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MANUAL OF BUSINESS AND PROCEDURE

IN THE

COUNCIL OF STATE

PREPARED IN THE LEGISLATIVE DEPARTMENT OF THE
GOVERNMENT OF INDIA FOR THE USE OF
MEMBERS OF THE COUNCIL

(Fourth Edition)

(Corrected up to 13th September,



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P R E F A C E.

This fourth edition of this manual brings it into accord with the position created by the commencement on the 1st April, 1937, of, broadly speaking, all the provisions of the Government of India Act, 1935, other than those contained in Part II thereof. The position so created, which will prevail during the transitional period, that is to say the period intervening between the commencement of Part III and the establishment of the Federation, renders it necessary to refer for complete information regarding the rules of business and procedure in the Council of State to the following documents:

- (1) The provisions of the Government of India Act (the old Act) set out with amendments in the Ninth Schedule to the Government of India Act, 1935 (the new Act).
- (2) The relevant provisions of the new Act for the time being in force.
- (3) The Government of India (Commencement and Transitory Provisions) Order, 1936.
- (4) The rules and standing orders made under the aforesaid provisions of the old Act.

2. Following the scheme adopted in previous editions, and explained in the preface to the first edition, which is reproduced, the relevant provisions in the aforesaid documents are set out in appendices.

PREFACE TO THE FIRST EDITION.

In order to obtain complete information regarding the rules of business and procedure in the Council of State, it is necessary to refer to three sources of information—

- (1) the Government of India Act itself,
- (2) the Rules made under that Act, and
- (3) the Standing Orders made under that Act.

2. Such a reference involves an examination of the three distinct documents and as necessarily the rules have had to be dovetailed on to the relevant provisions of the Act, and the standing orders on to the rules, each of these documents when read alone is difficult of comprehension without its supplementary and companion document.

3. It is thought that a manual which brings together under appropriate headings in the form of a connected narrative the purport and effect of the Act and of the rules and standing orders, in so far as they deal with the business and procedure of the Council of State, would be useful to members.

4. After each paragraph of the manual there is inserted a reference to the section of the Act, or to the rule or standing order which forms the basis of the particular provision in the manual. The language of the Act has sometimes been slightly paraphrased to bring it into accord with the general scheme of the manual. The rules and standing orders have been printed *verbatim* or with only such changes as are necessary in their specific application to the Council of State.

5. The manual is arranged on the lines of the "Manual of Procedure in the Public Business of the House of Commons" prepared by the Clerk of the House which, it is understood, is freely used by members of the House of Commons.

6. It must be understood that the manual itself has no authority except in so far as it reproduces the actual provisions of the three sources from which it is compiled. For authoritative exposition, the Act, rules or standing orders themselves must be referred to, together with the interpretations which may be put upon them by the President. For convenience of reference, therefore, those provisions of the Government of India Act, which deal

with the Indian Legislature, are reproduced as Appendix I to the manual. The rules approved by the Houses of Parliament and made by the Governor General in Council with the sanction of the Secretary of State in Council as the Indian Legislative Rules are reproduced as Appendix II. Appendix III contains the first standing orders made for the Council of State by the Governor General in Council in exercise of the power conferred by section 67 of the Government of India Act.

7. An index is added to the publication which, it is hoped, will assist members in tracing those matters on which they need information.

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Manual of Business and Procedure in the Council of State.

DEFINITIONS.

1. In this Manual for the sake of brevity and to avoid repetition the expressions set out below are (except where the context otherwise requires) used as having the following meanings :—

“ Assembly ” means the Legislative Assembly ;

“ Chairman of the Council ” means any person appointed under section 63A of the old Act, to preside over the Council in the absence of the President ;

“ Chamber ” means a Chamber of the Indian Legislature ;

“ Council ” means the Council of State ;

“ Electoral rules ” means the Council of State Electoral Rules made under section 64 of the old Act ;

“ Gazette ” means the Gazette of India ;

“ member ” means a member of the Council ;

“ Member of the Government ” means a Member of the Governor General's Executive Council, and includes any member to whom such Member may delegate any function assigned to him under the rules or standing orders ;

“ the new Act ” means the provisions of the Government of India Act, 1935, for the time being in force ;

“ notification ” means a notification in the Gazette ;

“ the old Act ” means the provisions of the Government of India Act set out in the Ninth Schedule to the new Act, or continued in force by the Government of India (Commencement and Transitory Provisions) Order, 1936

- “ President ” includes any Chairman of the Council for the time being presiding over the Council ;
- “ resolution ” means a motion for the purpose of discussing a matter of general public interest ;
- “ rules ” means the Indian Legislative Rules* made under section 67 of the old Act ;
- “ Secretary ” means the Secretary of the Council, and includes any person for the time being duly authorised to perform all or any of the duties of the Secretary ; and
- “ standing orders ” means the Standing Orders† of the Council made under section 67 of the old Act.

CHAPTER I.

DURATION AND SESSIONS OF THE COUNCIL.

Duration of the Council.

2. The ordinary life of a Council is five years from the date of its first meeting.

[Section 63D (1) old Act.]

Summoning of Council and dates of meetings.

3. (1) The Governor General by notification appoints the date and place for a session of the Council.

(2) The Secretary shall issue a summons to each member for the date and place so appointed.

(3) After the commencement of a session, the Council shall sit on such days as the President, having regard to the state of business of the Council, may from time to time direct.

[Section 63D (2) old Act and Standing Order 3.]

Termination of session.

4. A session of the Council is terminated by prorogation. The Council is prorogued by the Governor General by notification or otherwise.

[Section 63D (2) old Act.]

*See Appendix II.

†See Appendix III.

5. (1) The Council may be dissolved by the Governor General. *Dissolution of Council and constitution of new Council.*

(2) On the expiration or dissolution of a Council, a general election shall be held in order that a new Council may be constituted. The notification directing the election must be issued in such time as will ordinarily allow the new Council to meet within six months from the date of dissolution.

(3) On such expiration or dissolution, the Governor General shall, by notification in the Gazette, call upon the constituencies to elect members in accordance with the electoral rules within such time after the date of expiration or dissolution as may be prescribed by such notification :

Provided that, if the Governor General thinks fit, such notification may be issued at any time not being more than three months prior to the date on which the duration of the Council would expire in the ordinary course of events.

(4) Before the date fixed for the first meeting of the Council, the Governor General shall make such nominations as may be necessary to complete the Council.

[Section 63D (1) old Act and Electoral Rule 27.]

(5) As soon as may be after the expiration of the time fixed for the election of members at any general election, the names of the members elected for the various constituencies at such election shall be notified in the Gazette.

[Electoral Rule 28.]

CHAPTER II.

TAKING OF OATH, ADMISSION OF MEMBERS AND VACATION OF SEAT.

6. Every person who is elected or nominated to be a member shall, before taking his seat, make at a meeting of the Council an oath or affirmation of his allegiance to the Crown in the following form, namely:— *Taking of oath.*

I, A. B., having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Council, do solemnly swear (or affirm) that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India,

His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter :

[Electoral Rule 24.]

Provided that if the person elected or nominated is the Ruler of an Indian State he may make the oath or affirmation in the following form, namely :

I, A. B., having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Council, do solemnly swear [or affirm] that I will be faithful and bear true allegiance in my capacity as Member of this Council to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter :

Provided, further, that if the person elected or nominated is a subject of the Ruler of an Indian State he may make the oath or affirmation in the following form, namely :—

I, A. B., having been $\frac{\text{elected}}{\text{nominated}}$ a member of this Council, do solemnly swear [or affirm] that, saving the faith and allegiance which I owe to C. D., his heirs and successors, I will be faithful and bear true allegiance in my capacity as Member of this Council to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter.

[Proviso to Electoral Rule 24]

Effect of subsequent disabilities or failure to take oath.

7. If any person having been elected or nominated to be a member subsequently becomes subject to any of the disabilities stated in the electoral rules, which would disqualify him for election or nomination to the Council, or fails to make the prescribed oath or affirmation within such time as the Governor General considers reasonable, the Governor General shall, if the disqualification has not been removed by notification in the Gazette, declare his seat to be vacant.

[Electoral Rule 25.]

8. (1) When a vacancy occurs in the case of an elected member by reason of his election being declared void or his seat being declared vacant, or by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, the Governor General shall, by notification in the Gazette, call upon the constituency concerned to elect a person for the purpose of filling the vacancy within such time as may be prescribed by such notification.

(2) If a vacancy occurs in the case of a nominated member, the Governor General shall nominate to the vacancy a person having the necessary qualification under the electoral rules.

[Electoral Rule 26.]

9. (1) An official is not qualified for election as a member, and if any non-official member accepts office in the service of the Crown in India, his seat thereupon becomes vacant.

(2) If an elected member of the Council becomes a member of the Assembly, his seat in the Council thereupon becomes vacant.

(3) If any person is elected a member of both Chambers, he must, before he takes his seat in the Council, signify in writing that he desires to be a member of the Council, and thereupon his seat in the Assembly becomes vacant.

(4) Every Member of the Governor General's Executive Council will be nominated as a member of one Chamber, and has the right of attending in and addressing the other Chamber, but cannot be a member of both Chambers.

[Section 63E old Act.]

(5) A person who is already a member of the Council is not eligible for election or nomination as a member of the Council.

[Electoral Rules 5 (1) (b) and 22 (1) (b).]

(6) A person who is already a member of a Provincial Legislature constituted under the new Act is eligible for membership of the Council, and a person who is already a member of the Council is eligible for membership of a Provincial Legislature. If in either case such person is chosen a member of the body of which he is not already a

member, his seat on the Provincial Legislature will become vacant, unless within the prescribed period he resigns his seat on the Council.

[Section 68 (2) new Act.]

Resignation. 10. A member may resign his Office to the Governor General, and, on the acceptance of the resignation, the seat becomes vacant.

[Section 93 (1) old Act.]

Power to declare a seat vacant. 11. If for a period of two consecutive months a member is absent from India or unable to attend to the duties of his Office, the Governor General may, by notification, declare that the member's seat is vacant.

[Section 93 (2) old Act.]

CHAPTER III.

THE PRESIDENT, THE CHAIRMAN AND THE SECRETARY.

Appointment of the President. 12. The President of the Council is appointed by the Governor General from among the members.

[Section 63A (2) old Act.]

Temporary Chairman. 13. At the commencement of every session the Governor General will nominate from among the members a panel of not more than four Chairmen any one of whom may preside over the Council in the absence of the President when so requested by the President.

[Order of Governor General under section 63A (2) old Act.]

Powers of persons presiding. 14. Any Chairman of the Council shall, when presiding over the Council, have the same powers as the President when so presiding, and all references to the President in the rules shall be deemed to be references to any such person so presiding.

[Rule 4.]

Appointment of the Secretary. 15. (1) The Secretary and such assistants of the Secretary as the Governor General considers to be necessary shall be appointed by order in writing by the Governor General and shall hold office during his pleasure.

[Rule 5.]

(2) Subject to the control of the President, the Secretary may authorise any of his assistants to perform such of his duties as he may direct.

[Standing Order 2 (definition of "Secretary").]

CHAPTER IV.

MEETINGS OF THE COUNCIL, ARRANGEMENT OF BUSINESS
AND GIVING OF NOTICES.

16. The meetings of the Council shall (subject to the ^{Time of} direction of the Governor General) ordinarily commence ^{meeting.} at 11 A.M., and ordinarily terminate at 4 P.M.

[Standing Order 5.]

17. A meeting of the Council is adjourned by the ^{Adjournment} President. ^{of meetings.}

[Section 63D (3) old Act.]

18. The Governor General, after considering the state ^{Allotment of} of business of the Chamber, shall allot so many days as ^{time for} may, in his opinion, be possible compatibly with the public ^{non-official} interests for the business of non-official members in that ^{business and} Chamber, and may allot different days for the disposal of ^{precedence of} different classes of such business and, on days so allotted ^{business.} for any particular class of business, business for that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council.

[Rule 6.]

19. (1) At times when Government business has pre- ^{Arrangement} cedence, the Secretary shall arrange that business in such ^{of Govern-} order as the Governor General in Council may direct. ^{ment} ^{business.}

(2) The relative precedence of notices of Bills and resolutions given by non-official members shall be determined by ballot in accordance with the procedure set out in Schedule I :

Provided that the President may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.

(3) Bills introduced by non-official members shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order, namely :—

- (i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed ;
- (ii) Bills which have reached a stage at which the next motion is a motion that the Bill be taken into consideration ;

- (iii) Bills in regard to which the next stage is the presentation of the report of the Select Committee.

(4) The relative precedence of other non-official Bills which have been introduced but which have not been proceeded with as far as any of the stages set out above shall be determined by ballot to be held at such time and in such manner as the President may determine :

Provided that any such Bills remaining over from the last session shall have priority in the order of the date of their introduction.

[Standing Order 6.]

List of
business.

20. (1) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member.

(2) Save as otherwise provided in the rules or standing orders, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the President.

(3) No business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.

[Standing Order 7.]

Business
outstanding
at end of day.

21. All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs, or until such other day in the session so available as the member in charge may desire ; but non-official business so standing over shall have no priority on such day unless it has been commenced, in which case it shall only have priority over non-official business fixed for that day.

[Standing Order 8.]

Time for
questions.

22. The first hour of every meeting shall be available for the asking and answering of questions.

[Standing Order 9.]

Giving of
notice by
members.

23. (1) Every notice required by the rules or standing orders shall be given in writing addressed to the Secretary and signed by the member giving notice, and shall be left at the Notice office which shall be open for this purpose between the hours of 11 A.M. and 3 P.M. on every day, except Sunday or a public holiday.

(2) Notices left when the office is closed shall be treated as given on next open day.

[Standing Order 10.]

24. On the termination of a session all pending notices shall lapse, and fresh notice must be given for the next session. ^{Lapse of pending notices.}

[Standing Order 4 (1).]

25. (1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is, by the standing orders, required to be made available for the use of members. ^{Giving of notice to members.}

(2) A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the President may, from time to time, direct.

[Standing Order 11.]

CHAPTER V.

QUESTIONS.

26. Unless the President with the consent of the Member of the Government whose department is concerned otherwise directs, not less than ten clear days' notice of a question shall be given. ^{Notice of questions.}

[Standing Order 12.]

27. The President may within the period of notice disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council, and, if he does so, the question or part of the question shall not be placed on the list of questions. ^{Power to disallow questions.}

[Rule 7.]

28. (1) A question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the member to whom it is addressed : ^{Subject-matter of questions.}

Provided that no question shall be asked—

- (i) on any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions ; or

(ii) save with the consent of the Governor General in his discretion,—

- (a) on any matter connected with relations between His Majesty or the Governor General in Council and any foreign State or Prince ;
- (b) on any matter connected with the tribal areas or the administration of any excluded area ;
- (c) on any action taken in his discretion by the Governor General in relation to the affairs of a Province ;
- (d) on any matter connected with any Indian State ; or
- (e) on the personal conduct of the Ruler of any Indian State or a member of the ruling family thereof.

(2) If any doubt arises whether any question is or is not within the restrictions imposed by clause (ii) of the proviso to sub-paragraph (1), the Governor General in his discretion shall decide the point, and his decision shall be final.

[Rule 8.]

Questions
regarding
controversy
between
higher
authorities.

29. In matters which are or have been the subject of controversy between the Governor General in Council and the Secretary of State or a Provincial Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

[Rule 9.]

Matters to
which
questions
must relate.

30. (1) A question addressed to a Member of the Government must relate to the public affairs with which he is officially connected, or to a matter of administration for which he is responsible.

(2) A question addressed to a non-official member must relate to some Bill, resolution or other matter connected with the business of the Council for which that member is responsible.

[Standing Order 13.]

31. In order that a question may be admissible, it must satisfy the following conditions, namely:— Form and contents of questions.

- (1) it shall not bring in any name or statement not strictly necessary to make the question intelligible ;
- (2) if it contains a statement by the member himself, he shall make himself responsible for the accuracy of the statement ;
- (3) it shall not contain arguments, inferences, ironical expressions or defamatory statements ;
- (4) it shall not ask for an expression of opinion or the solution of a hypothetical proposition ;
- (5) it may not be asked as to be the character or conduct of any person except in his official or public capacity ; and
- (6) it shall not be of excessive length.

[Standing Order 14.]

32. The President shall decide whether a question is or is not admissible under the standing orders, and may disallow any question when, in his opinion, it is an abuse of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council, or is in contravention of the standing orders, and shall disallow any question if it infringes the rules as to the subject-matter of questions. President to decide admissibility of questions.

[Standing Order 15.]

33. Questions, which have not been disallowed, shall be entered in the list of questions for the day and shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting. List of questions.

[Standing Order 16.]

34. Questions shall be put and answers given in such manner as the President may, in his discretion, determine. Questions how put.

[Standing Order 17.]

Answers to
withdrawn
questions.

35. If on a question being called it is not put or the member in whose name it stands is absent, the President, at the request of any member, may direct that the answer to it be given.

[Standing Order 18.]

Supplemen-
ta-
ry questions

36. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given :

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rule as to the subject-matter of questions.

[Rule 19.]

Prohibition
of discussions
on questions
or answers.

37. No discussion shall be permitted in respect of any question or of any answer given to a question.

[Standing Order 19.]

CHAPTER VI.

MOTIONS FOR ADJOURNMENT FOR PURPOSES OF DEBATE.

Motions for
adjournment.

38. (1) Subject to the provisions of paragraph 44, a motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

(2) Notice of a motion under sub-paragraph (1) shall be given before the commencement of the sitting on the day on which the motion is proposed to be made both to the President and to the Member of the Government to whose department the motion relates.

[Rule 11.]

Restrictions
on power to
make motion.

39. The right to move an adjournment for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

- (i) not more than one such motion shall be made at the same sitting ;
- (ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence ;

- (iii) the motion must not revive discussion on a matter which has been discussed in the same session ;
- (iv) the motion must not anticipate a matter which has been previously appointed for consideration or with reference to which a notice of motion has been previously given ; and
- (v) the motion must not deal with a matter on which a resolution could not be moved or save with the consent of the Governor General in his discretion with a matter on which a resolution could not, save with such consent, be moved.

[Rule 12.]

40. Leave to make a motion for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance must be asked for after questions and before the list of business for the day is entered upon.

Time of asking leave for motion for adjournment.

[Standing Order 20.]

41. The member asking for leave must, before the commencement of the sitting of the day, leave with the Secretary a written statement of the matter proposed to be discussed.

Method of asking leave.

[Standing Order 21.]

42. If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council to move the adjournment. If objection is taken, the President shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifteen members rise accordingly, the President shall intimate that leave is granted and that the motion will be taken at 4 P.M., or, if the President with the consent of the Member of Government concerned so directs, at any earlier hour at which the business of the day may terminate. If less than fifteen members rise, the President shall inform the member that he has not the leave of the Council.

Procedure to be followed.

[Standing Order 22.]

Limitation
of time of
discussion.

43. (1) On a motion to adjourn for the purpose of discussing a definite matter of urgent public importance, the only question that may be put shall be "that the Council do now adjourn".

Provided that, if the debate is not concluded within two hours, it shall automatically terminate and no question shall be put.

(2) No speech during the debate shall exceed fifteen minutes in duration.

[Standing Order 23.]

Power to
disallow
motion for
adjournment.

44. The Governor General at any time after notice has been given of a motion for adjournment under paragraph 38 may, notwithstanding the consent of the President, or before such consent has been given, take cognizance of such motion and disallow it on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council, and, if he does so, the adjournment shall not be permitted by the President, and no further discussion of the motion shall take place.

[Rule 22 (2).]

CHAPTER VII.

GENERAL RULES OF PROCEDURE.

Quorum.

45. The presence of at least fifteen members of the Council shall be necessary to constitute a meeting of the Council for the exercise of its powers.

[Rule 13.]

Adjournment
for failure of
quorum.

46 (1) If the President on a count, taken either on his own motion or on the demand of a member, at any time during a meeting ascertains that fifteen members are not present, he shall adjourn the Council till the next day on which it ordinarily sits.

(2) Nothing in sub-paragraph (1) shall be deemed to require the President to take a count where he is of opinion that the demand therefor was made frivolously or for the purpose of obstructing or prejudicially affecting the procedure of the Council.

[Standing Order 24.]

47. The members shall sit in such order as the President may appoint. Seating of members.

[Standing Order 25.]

48. A member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President. Members to rise when speaking. At any time if the President rises, any member speaking shall resume his seat.

[Standing Order 26.]

49. When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council he shall ask the question through the President. Explanation.

[Standing Order 27.]

50. The business of the Council shall be transacted in English : Language in the Council.

Provided that the President may permit any member unacquainted with English to address the Council in a vernacular language.

[Rule 14.]

51. Subject to the rules and standing orders there is freedom of speech in the Council. No person is liable to any proceedings in any Court by reason of his speech or vote in the Council, or by reason of anything contained in any official report of the proceedings of the Council. Freedom of speech and vote.

[Section 67 (7) old Act.]

52. (1) The matter of every speech shall be strictly relevant to the matter before the Council. Limitations on debate.

(2) A member while speaking shall not—

- (i) refer to any matter of fact on which a judicial decision is pending ;
- (ii) make a personal charge against a member ;
- (iii) make use of offensive expressions regarding the conduct of the Indian or any Provincial Legislature;

- (iv) reflect upon the conduct of His Majesty the King or the Governor General or any Governor (as distinct from the Governments of which they are respectively the heads) or any Court of Law in the exercise of its judicial functions ;
- (v) utter treasonable, seditious, or defamatory words ; or
- (vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Council.

[Standing Order 28.]

Motions.

53. (1) *A matter requiring the decision of the Council shall be brought forward by means of a question put by the President on a motion proposed by a member.*

[Standing Order 29(1).]

(2) All questions for the determination of the Council are decided by a majority of votes of the members present *other than the person presiding*, who however has and must exercise a casting vote in the case of an equality of votes.

[Section 63D (4) old Act]

(3) Votes may be taken by voices or division, and shall be taken by division if any member so desires. *The President shall determine the method of taking votes by division.*

[Standing Order 29 (2).]

(4) The result of a division shall be announced by the President and shall not be challenged.

[Standing Order 29 (3).]

Repetition of motions.

54. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.

[Standing Order 30.]

Order of speeches and right of reply.

55. (1) After the member who moves has spoken, other members may speak to the motion in such order as the President may call upon them. If any member who is so called upon does not speak, he shall not be entitled, except by the permission of the President, to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by the rules or standing orders, no member shall speak more than once to any motion except, with the permission of the President, for the purpose of making a personal explanation, but in that case no debatable matter may be brought forward.

(3) A member who has moved a motion may speak again by way of reply and, if the motion is moved by a non-official member, the Member of the Government to whose department the matter relates shall have the right of speaking (whether he has previously spoken in the debate or not) after the mover has replied.

(4) The President may in all cases address the Council before putting a question to the vote.

[Standing Order 31.]

56. (1) An amendment must be relevant to, and within the scope of, the motion to which it is proposed. Rules as to amendments.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) An amendment on a question must not be inconsistent with a previous decision on the same question given at the same stage of any Bill or other matter.

(4) The President may refuse to put an amendment which is in his opinion frivolous.

[Standing Order 32.]

57. (1) At any time after a motion has been made any member may move "That the question be now put", and unless it appears to the President that the motion is an abuse of the rules or standing orders, or an infringement of the right of reasonable debate, the President shall then put the motion "That the question be now put", and, if that motion is carried, the President shall put the question without amendment or debate. Closure.

(2) At any time after a motion has been made in respect of a Bill promoted by a Member of the Government, that Member may request the President to put the question, and unless it appears to the President that the request is an abuse of the rules or standing orders, or an infringement of the right of reasonable debate, the President shall then put the question without amendment or debate.

[Standing Order 33.]

Decision of
points of
order.

58. (1) The President shall decide all points of order which may arise, and his decision shall be final.

(2) Any member may at any time submit a point of order for the decision of the President, but in doing so shall confine himself to stating the point.

[Rule 15.]

Irrelevance
or repetition.

59. The President, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

[Rule 16.]

Power to
order
withdrawal
of member.

60. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Council, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the President may direct the member to absent himself from the meetings of the Council for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly.

(3) The President may, in the case of grave disorder arising in the Council, suspend any sitting for a time to be named by him.

[Rule 17.]

Definition of
President's
powers in
regard to
Bills.

61. Notwithstanding anything contained in paragraph 58 or paragraph 60, the President shall not have or exercise any power to prevent or delay the making or discussion of any motion relating to a Bill made by the member in charge of the Bill or to refuse to put, or delay the putting of the question on any such motion, unless such power is expressly conferred upon him by, or such motion or discussion or the putting of such questions, as the case may be, is expressly prohibited or directly precluded by, any provision of the new Act, the old Act, the rules or the standing orders.

[Rule 17A.]

62. The admission to the Council Chamber of— Strangers.

- (1) visitors to the Visitors' gallery,
- (2) representatives of the Press to the Press gallery,
and
- (3) officials to the Official gallery,

during the sittings of the Council shall be regulated in accordance with orders made by the President with the approval of the Governor General.

[Standing Order 34.]

63. The President, whenever he thinks fit, may order the Visitors' or Press gallery to be cleared. Power to order withdrawal of strangers.

[Standing Order 35.]

CHAPTER VIII.

LEGISLATION.

64. Subject to the provisions of the old Act, the Indian Legislature consists of the Governor General and two Chambers, namely, the Council of State and the Legislative Assembly. The Indian Legislature.

[Section 63 old Act.]

Introduction of Bills.

65. (1) It is not lawful, without the previous sanction of the Governor General, to introduce at any meeting of the Council any measure affecting the public debt or public revenues of India, or imposing any charge on the revenues of India. Previous sanction, recommendation or consent, where required to Bills and amendments.

[Section 67 (2) (a) Old Act and paragraph 12 of Government of India (Commencement and Transitory Provisions) Order, 1936.]

(2) Without the previous sanction of the Governor General in his discretion, no Bill or amendment may be introduced into, or moved in, the Council,—

- (a) if it makes, during the continuance of a "Proclamation of Emergency", laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial Legislative List of the new Act ;

[Proviso to section 102 (1) and Seventh Schedule new Act.]

- (b) if it makes any provisions repugnant to any Provincial Law which, having been reserved for the consideration of the Governor General or for the signification of His Majesty's pleasure under the provisions of sub-section (2) of section 107 of the new Act, has received the assent of the Governor General or of His Majesty ;

[Proviso to section 107 (2) new Act]

- (c) if it—

- (i) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India ; or
- (ii) repeals, amends or is repugnant to any Governor General's or Governor's Act, or any Ordinance promulgated in his discretion by the Governor General or a Governor ; or
- (iii) affects matters as respects which the Governor General is, by or under the new Act, required to act in his discretion ; or
- (iv) repeals, amends or affects any Act relating to any police force ; or
- (v) affects the procedure for criminal proceedings in which European British subjects are concerned ; or
- (vi) subjects persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein ; or
- (vii) Affects the grant of relief from any Central tax on income in respect of income taxed or taxable in the United Kingdom ;

[Section 108 (1) new Act]

- (d) if it prescribes, or empowers any authority to prescribe, the professional or technical qualifications which are to be requisite for any purpose in British India ; or if it imposes, or empowers any authority to impose, by reference to any

professional or technical qualification, any disability, liability, restriction, or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, *or the holding of any office in British India* ;

[Section 119 (1) new Act.]

- (e) if it authorises the giving of any direction to a Province as to the carrying into execution therein of any Act of the Central Legislature which relates to a matter specified in Part II of the Concurrent Legislative List of the new Act ;

[Proviso to section 126 (2) and Seventh Schedule new Act.]

- (f) if it imposes or varies any tax or duty in which Provinces are interested ; or if it varies the meaning of the expression " agricultural income " as defined for the purposes of the enactments relating to Indian income-tax ; or if it affects the principles on which under any of the relevant provisions of the new Act monies are or may be distributable to Provinces ; or if it imposes any such Central *surchage as is mentioned in sections 136 to 141 of the new Act* ;

[Section 141 (1) new Act.]

- (g) if it affects the coinage or currency of British India or the constitution or functions of the Reserve Bank of India ;

[Section 153 new Act.]

- (h) if it regulates the duties or powers of the Auditor General of India or of the Auditor of Indian Home Accounts ;

[Provisos to sections 166 (3) and 170 (3) new Act.]

- (i) if it supplements or amends the provisions concerning the Federal Railway Authority set out in the Eighth Schedule to the new Act ;

[Proviso to section 182 (2) new Act.]

- (j) if it provides, in the manner specified in subsections (1) and (2) of *section 206 of the new Act*, for appeals to the Federal Court or for

abolition in whole or in part of direct appeals to His Majesty in Council ;

[Section 206 (3) new Act.]

(*k*) if it confers original jurisdiction on a High Court in matters concerning the revenue ; .

[Section 226 (2) new Act.]

(*l*) if it extends the functions of the Federal Public Service Commission ;

[Clause (a) of proviso to section 267 new Act.]

(*m*) if it abolishes or restricts the protection afforded to certain servants of the Crown in India by section 197 of the Code of Criminal Procedure or sections 80 to 82 of the Code of Civil Procedure ;

[Section 271 (1) new Act.]

(*n*) if it provides for the transference to public ownership of any land or for the extinguishment or modification of rights therein including rights or privileges in respect of land revenue.

[Section 299 (3) new Act.]

(3) Except on the recommendation of the Governor General, no Bill or amendment may be introduced into, or moved in, the Council if it makes provision for regulating the rates or fares on any railway.

[Section 192 new Act.]

(4) Except with the previous consent of the Governor of the Province concerned, no law implementing a treaty or agreement with another country may be made by the Central Legislature for any Governor's Province with respect to any of the matters enumerated in the Provincial Legislative List of the new Act.

[Section 106 (1) new Act.]

Publication
of Bills
before
introduction.

66. The Governor General may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

[Rule 18.]

Notice of
motion for
leave to
introduce
Bills.

67. (1) Any member, other than a Member of the Government, desiring to move for leave to introduce a Bill, shall give notice of his intention and shall, together

with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons.

(2) If the Bill is a Bill which under the new Act or the old Act cannot be introduced without the previous sanction of the Governor General, the member shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with.

(3) If any question arises whether a Bill is or is not a Bill of the nature referred to in sub-paragraph (2) the question shall be referred to the Governor General, and his decision on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this paragraph shall be one month, or if the Governor General so directs, a further period not exceeding in all two months.

[Rule 19.]

68. (1) If any member desires to move an amendment which under the new Act cannot be moved without the previous sanction of the Governor General he shall annex to the notice required by the Standing Orders a copy of such sanction and the notice shall not be valid until this requirement is complied with.

Provisions applicable to amendments requiring sanction.

(2) If any question arises whether an amendment is or is not an amendment of the nature referred to in sub-paragraph (1), the question shall be referred to the Governor General and his decision on the question shall be final.

[Rule 19A.]

69. If the Governor General certifies that a Bill or any clause of a Bill or any amendment to a Bill affects the safety or tranquillity of British India or any part thereof, and directs that no proceedings or no further proceedings shall be taken thereon, all notices of motions in connection with the subject-matter of the certificate shall lapse, and if any such motion has not already been set down on the list of business, it shall not be set down. If any such motion has been set down on the list of business, the President shall, when the motion is reached, inform the Council of the Governor General's action, and the Council shall forthwith without debate proceed to the next item of business.

Effect of certification by Governor General.

[Section 67 (2A) old Act and Rule 21.]

Motion for
leave to
introduce.

70. If a motion of leave to introduce a Bill is opposed, the President after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate put the question.

[Standing Order 36.]

Publication
after
introduction.

71. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the *Gazette*.

[Rule 20.]

Motions after Introduction.

Motions after
introduction.

72. (1) When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely:—

- (a) that it be taken into consideration by the Council either at once or at some future day to be then specified: or
- (b) that it be referred to a Select Committee;
or
- (c) that it be circulated for the purpose of eliciting opinion thereon:

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made, and such objection shall prevail, unless the President in the exercise of his power to suspend this paragraph, allows the motion to be made.

(2) A motion recommending that a Bill should be committed to a Joint Committee of both Chambers may be moved at any stage at which a motion for the reference of the Bill to a Select Committee may be moved.

[Standing Order 37.]

Discussion
of principle
of Bills.

73. (1) On the day on which any such motion is made or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

(2) At this stage no amendments to the Bill may be moved, but—

(a) if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion, or

(b) if the member in charge moves that his Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with his Bill thereafter, must move that the Bill be referred to a Select Committee, unless the President, in the exercise of his power to suspend this paragraph allows a motion to be made that the Bill be taken into consideration.

[Standing Order 38.]

74. (1) No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill, and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the Member in charge except by way of amendment to a motion made by the member in charge.

Persons by whom motions in respect of Bills may be made.

(2) For the purposes of this paragraph "member in charge of the Bill" means, in the case of a Government Bill, any member acting on behalf of the Government and, in any other case, the member who has introduced the Bill, or, where the Bill has been laid on the table in the other Chamber, the member who has given notice of his intention to move that the Bill be taken into consideration.

[Rule 20A.]

Select Committees.

75. (1) The Member of the Government to whose department the Bill relates, the member who introduced the Bill and the Law Member of the Governor General's

Composition of Select Committees.

Executive Council, if he is a member of the Council, shall be members of every Select Committee, and it shall not be necessary to include their names in any motion for appointment of such a Committee.

(2) The other members of the Committee shall be appointed by the Council when the motion that the Bill be referred is made, or in the case of a motion made by way of an amendment under clause (a) of subparagraph (2) of paragraph 73, at any subsequent meeting:

Provided that, if the Law Member is not a member of the Council, one of the Chairmen of the Council shall be appointed a member of the Committee.

(3) The Law Member or, if the Law Member is not a member of the Council, a Chairman of the Council shall be Chairman of the Committee, and if two or more Chairmen of the Council are members of the Committee, then the person whose name appears first in the panel of such Chairmen shall be Chairman of the Committee. In the case of an equality of votes, the Chairman shall have a second or casting vote.

(4) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

(5) Where the Law Member or the Member of the Governor General's Executive Council in charge of the department to which the Bill relates is not a member of the Council, he shall have the right of attending at, and taking part in the deliberations of, meetings of the Select Committee, but shall not be a member of the Committee.

[Standing Order 39.]

Quorum
of Select
Committee.

76. (1) At the time of the appointment of a Select Committee, the number of persons whose presence shall be necessary to constitute a quorum of the Committee shall be fixed by the Council.

(2) If, at the time fixed for any meeting of a Select Committee or at any time during such meeting, a quorum is not present, the Chairman of the Committee shall either adjourn it forthwith to a future day, or shall defer the commencement, or suspend the proceedings of the meeting for

such period in the same day as he may deem reasonable, and, if at the expiry of such period a quorum is not present, he shall adjourn the Committee to a future day.

(3) Where a Select Committee has been adjourned in pursuance of sub-paragraph (2) on three successive days fixed for meetings of the Committee, the Chairman of the Committee shall stay further proceedings, and shall report the reason for so doing to the Council.

[Standing Order 39A.]

77. (1) After publication in the Gazette of a Bill as required by the rules, the Select Committee to which the Bill has been referred shall make a report thereon. ^{Report by Select Committee.}

(2) Such report shall be made not sooner than three months from the date of the first publication of the Bill in the Gazette, unless the Council orders the report to be made sooner :

Provided that the time-limit referred to in this sub-rule shall not apply in the case of Bills imposing taxation.

(3) Reports may be either preliminary or final.

(4) The Select Committee shall in their report state whether or not, in their judgment, the Bill has been so altered as to require re-publication, whether the publication directed by the rules has taken place, and the date on which the publication has taken place.

(5) If any member of a Select Committee desires to record a minute of dissent on any point, he must sign the report stating that he does so subject to his minute of dissent, and must at the same time hand in his minute.

[Standing Order 40.]

78. (1) The report of the Select Committee on a Bill shall be presented to the Council by the member in charge of the Bill. ^{Presentation of report.}

(2) In presenting a report the member in charge shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

[Standing Order 41.]

79. (1) The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the Council. The report, with the amended Bill, shall be published in the Gazette. ^{Printing and publication of reports.}

(2) If any member is unacquainted with English, the Secretary shall also, if requested, cause the report to be translated for his use into such vernacular language as the President may direct.

[Standing Order 42.]

Procedure
after
presentation
of report.

80. (1) After the presentation of the final report of a Select Committee on a Bill, the member in charge may move—

- (a) that the Bill as reported by the Select Committee be taken into consideration, provided that any member of the Council may object to its being so taken into consideration if a copy of the report has not been made available for the use of members for seven days, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the report to be taken into consideration ; or
- (b) that the Bill as reported by the Select Committee be re-committed either—
 - (i) without limitation, or
 - (ii) with respect to particular clauses or amendments only, or
 - (iii) with instructions to the Select Committee to make some particular or additional provision in the Bill ; or
- (c) that the Bill as reported by the Select Committee be re-circulated for the purpose of obtaining further opinion thereon.

(2) If the member in charge moves that the Bill be taken into consideration any member may move as an amendment that the Bill be re-committed or re-circulated for the purpose of obtaining further opinion thereon.

[Standing Order 43.]

Consideration, Amendment and Passing of Bills.

Proposals of
amendments.

81. When a motion that a Bill be taken into consideration has been carried, any member may propose an amendment of the Bill.

[Standing Order 44.]

82. (1) If notice of a proposed amendment has not ^{Notice of amendments.} been given two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed, and a copy thereof to be made available for the use of every member.

(3) If any member present is unacquainted with English, the Secretary shall also, if requested, cause every such notice to be translated for his use into such vernacular language as the President may direct.

[Standing Order 45.]

83. Amendments shall ordinarily be considered in the ^{Order of amendments.} order of the clauses of the Bill to which they respectively relate; and in respect of any such clause a motion shall be deemed to have been made "That this clause stand part of the Bill."

[Standing Order 46.]

84. Notwithstanding anything in the standing orders, ^{Submission of Bills clause by clause.} it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council clause by clause. When this procedure is adopted, the President shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question "That this clause (*or*, as the case may be, 'that this clause as amended') stand part of the Bill."

[Standing Order 47.]

85. (1) When a motion that a Bill be taken into con- ^{Passing of Bills.} sideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(2) If any amendment of the Bill is made, any member, may object to any motion being made, on the same day that the Bill be passed, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the motion to be made.

(3) Where the objection prevails, a motion that the Bill be passed may be brought forward on any future day.

(4) To such a motion no amendment may be moved which is not either formal or consequential upon an amendment made after the Bill was taken into consideration.

[Standing Order 48.]

**Withdrawal
of Bills.**

86. The member who has introduced a Bill may at any stage of the Bill move for leave to withdraw the Bill, and if such leave is granted, no further motion may be made with reference to the Bill.

[Standing Order 49.]

**Lapse of
Bills.**

87. On the termination of a session Bills which have been introduced shall be carried over to the pending list of business of the next session :

Provided that, if the member in charge of a Bill makes no motion in regard to the same during two complete sessions, the Bill shall lapse unless the Council, on a motion by that member in the next session, makes a special order for the continuance of the Bill.

[Standing Order 4 (2).]

**Effect of
dissolution
on pending
Bills.**

88. On the dissolution of either Chamber, all Bills which have been introduced in the Chamber which has been dissolved or have been laid on the table in that Chamber under paragraph 92, and which have not been passed by the Indian Legislature, shall lapse.

[Rule 36C.]

**Authentica-
tion of Bills.**

89. When a Bill is passed by the Council, a copy thereof shall be signed by the President.

[Standing Order 50.]

**Reconsidera-
tion by the
Council of
Bills passed
by both
Chambers.**

90. (1) The Governor-General may, where a Bill has been passed by both Chambers, return the Bill for reconsideration by the Council.

(2) When a Bill is so returned for re-consideration, the point or points referred for re-consideration shall be put before the Council by the President, and shall be discussed and voted upon in the same manner as amendments to a Bill, or in such other way as the President may consider most convenient for their consideration by the Council.

[Section 67 (4) old Act and Standing Order 52.]

CHAPTER IX.

PROCEDURE REGARDING LEGISLATION IN BOTH CHAMBERS.

91. Except as otherwise provided by or under the old Act, a Bill is not to be deemed to have been passed by the Indian Legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as may be agreed to by both Chambers.

[Section 63 old Act.]

92. Every Bill which has been passed by the originating Chamber shall be sent to the other Chamber, and copies of the Bill shall be laid on the table at the next following meeting of that Chamber.

[Rule 25.]

93. At any time after copies have been laid on the table, any member acting on behalf of Government in the case of a Government Bill or in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.

[Rule 26.]

94. On the day on which the motion is set down in the list of business, which shall, unless the President otherwise directs, be not less than three days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration.

[Rule 27.]

95. On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

[Rule 28.]

96. Any member may (if the Bill has not already been referred to a Select Committee of the originating Chamber or to a Joint Committee of both Chambers, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and if such motion is carried, the Bill shall be referred to a select Committee, and the standing orders regarding Select Committees on Bill originating in the Chamber shall then apply.

[Rule 29.]

Consideration
and passing.

97. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the standing orders of the Chamber regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply.

[Rule 30.]

Bills passed
in either
Chamber
without
amendments.

98. If the Bill is passed without amendment and the originating Chamber is the Assembly, a message shall be sent to the Assembly intimating that the Council have agreed to the Bill without any amendments. If the originating Chamber is the Council, the Bill with a message to the effect that the Assembly have agreed to the Bill without any amendments shall be sent to the Council.

[Rule 31.]

Bills passed
in either
Chamber
with
amendments.

99. If the Bill is passed with amendments, the Bill shall be returned with a message asking the concurrence of the originating Chamber to the amendments.

[Rule 32.]

Return of
amended
Bills to
originating
Chamber.

100. When a Bill which has been amended in the other Chamber is returned to the originating Chamber, copies of the Bill shall be laid on the table at the next following meeting of that Chamber.

[Rule 33.]

Appointment
of time for
consideration
of
amendments.

101. After an amended Bill has been laid on the table, any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member, after giving three days' notice or, with the consent of the President, without notice, may move that the amendments be taken into consideration.

[Rule 34.]

Procedure on
consideration
of
amendments.

102. (1) If a motion that the amendments be taken into consideration is carried, the President shall put the amendments to the Chamber in such manner as he thinks most convenient for their consideration.

(2) Further amendments relevant to the subject-matter of the amendments made by the other Chamber may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the other Chamber.

[Rule 35.]

103. (1) If the Chamber agrees to the amendments made by the other Chamber, a message intimating its agreement shall be sent to that Chamber.

Procedure consequent on consideration of amendments.

(2) If the Chamber disagrees with the amendments made by the other Chamber, or any of them, the Bill, with a message intimating its disagreement, shall be sent to that Chamber.

(3) If the Chamber agrees to the amendments or any of them with further amendments or proposes further amendments in place of amendments made by the other Chamber, the Bill as further amended, with a message to that effect, shall be sent to the other Chamber.

(4) The other Chamber may either agree to the Bill as originally passed in the originating Chamber or as further amended by that Chamber, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the originating Chamber has disagreed.

(5) If a Bill is returned with a message intimating that the other Chamber insists on amendments to which the originating Chamber is unable to agree, that Chamber may either—

- (i) report the fact of the disagreement to the Governor General, or
- (ii) allow the Bill to lapse.

[Rule 36.]

104. (1) Where—

- (a) a dilatory motion has been carried in either Chamber in respect of a Government Bill, or
- (b) either Chamber refuses to take into consideration or to refer to a Select Committee or to pass any Government Bill,

Power to re-introduce Bills.

and thereafter the Governor General recommends that the Bill be passed in a particular form, a motion may be made in either Chamber for leave to introduce the Bill in that form, and, where such recommendation has been made in the case referred to in clause (a), the Bill in respect of which the dilatory motion has been made shall be deemed to have been withdrawn.

(2) Where a Bill has been introduced after a recommendation under sub-paragraph (1), any motion may, subject to the provisions of these rules, be made in respect of the Bill in either Chamber, notwithstanding that such motion raises a question substantially identical with one on which the Chamber has already given a decision in the same session.

(3) For the purposes of this paragraph and of paragraph 105, "a dilatory motion" means a motion that a Bill be referred to a Select Committee, or that it be circulated for the purpose of eliciting opinion thereon or any other motion the effect of the carrying of which will be to delay the passage of a Bill.

[Rule 36A.]

**Procedure
on recom-
mendation
and certi-
fication
of Bill by
Governor
General.**

105. (1) A recommendation or certification in respect of any Bill by the Governor General under section 67B of the old Act may be made by message, and shall be communicated to the Chamber by the President and shall be endorsed on the Bill.

(2) No dilatory motion shall be made in connection with a Bill in respect of which a recommendation has been made (hereinafter referred to as a recommended Bill) without the consent of the member in charge of the Bill and, if any such motion has been made but has not been carried prior to the communication to the Chamber of the recommendation, such motion shall not be put to the Chamber.

(3) Where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made in a form inconsistent with the form recommended, the member in charge of the Bill may move any amendment which, if accepted, would bring the Bill into the form recommended.

(4) Where the Governor General has certified that the passage of a Bill in a particular form which he has recommended is essential for the safety, tranquillity or interests of British India, or any part thereof, and the Bill has been laid before the other Chamber under clause (b) of subsection (1) of section 67B of the old Act, the provisions

of paragraphs 93 to 95 and 97 shall apply as if the Bill had been passed by the other Chamber in the form recommended and had been laid before the Chamber under paragraph 92.

(5) Where either Chamber refuses to take a recommended Bill into consideration, or makes any alteration therein which is inconsistent with the form recommended or refuses to agree to any alteration or amendment which, if accepted, would bring the Bill into the form recommended, the President shall, if so requested by the member in charge of the Bill, endorse on the Bill a certificate to the effect that the Chamber has failed to pass the Bill in the form recommended.

(6) Subject to the provisions of this paragraph and of paragraph 104, the ordinary procedure of the Chamber in regard to Bills shall, so far as may be, apply in regard to recommended Bills.

[Rule 36B.]

106. (1) If any Bill which has been passed by one Chamber is not within six months passed by the other Chamber, either without amendments or with such amendments as may be agreed to by both Chambers, the Governor General may in his discretion refer the matter for decision to a joint sitting of both Chambers.

Convening of
joint sitting.

[Section 67 (3) old Act.]

(2) A joint sitting of both Chambers shall be convened by the Governor General by notification.

[Rule 37.]

107. The President of the Council shall preside at a joint sitting, and the procedure of the Council shall, so far as practicable, apply.

a President
and
procedure.

[Rule 38.]

108. The members present at a joint sitting may deliberate and shall vote together upon the Bill as last proposed by the originating Chamber and upon amendments, if any, which have been made therein by one Chamber and not agreed to by the other, and any such amendments which are affirmed by a majority of the total members of the Council and the Assembly present at such sitting shall be taken to have been carried; and if the

Effect of
joint sitting.

Bill with the amendments, if any, is affirmed by a majority of the members of the Council and the Assembly present at such sitting, it shall be deemed to have been duly passed by both Chambers.

[Rule 39.]

Conference. **109.** (1) If both Chambers agree to a meeting of members for the purpose of discussing a difference of opinion which has arisen between the two Chambers, a Conference shall be held.

(2) At a Conference each Chamber shall be represented by an equal number of members. .

(3) The Conference shall determine its own procedure.

(4) The time and place of the Conference shall be fixed by the President of the Council.

[Rule 40.]

Messages. **110.** Messages between one Chamber and the other Chamber shall be conveyed by the Secretary of the one Chamber to the Secretary of the other, or in such other manner as the Chambers may agree.

[Rule 41.]

Joint Committee. **111.** (1) If a resolution is passed in the originating Chamber recommending that a Bill should be committed to a Joint Committee of both Chambers, a message shall be sent to the other Chamber to inform it of the resolution and to desire its concurrence in the resolution.

(2) If the other Chamber agrees, a motion shall be made in each Chamber nominating the members of that Chamber who are to serve on the Committee. On a Joint Committee equal numbers of members of each Chamber must be nominated.

(3) The Chairman of the Committee shall be elected by the Committee. He shall have only a single vote, and, if the votes are equal, the question shall be decided in the negative.

(4) The time and place of the meeting of the Committee shall be fixed by the President of the Council.

[Rule 42.]

112. When a Bill has been passed by both Chambers, a copy thereof shall in all cases be submitted to the Governor General by the Secretary. Submission of Bills to Governor General.

[Standing Order 51.]

CHAPTER X.

AMENDMENT OF STANDING ORDERS.

113. The standing orders may, with the consent of the Governor General, be altered by the Council. Any standing order which is repugnant to the provisions of any rules made under the old Act shall, to the extent of that repugnancy but not otherwise, be void. Amendment of standing orders.

[Section 67 (6) old Act.]

114. (1) Unless the President otherwise directs, not less than ten clear days' notice of a motion for leave to amend the standing orders shall be given, and the notice shall be accompanied by a draft of the proposed amendments. Notice of proposal to amend standing orders.

(2) The motion shall be set down for such day as the President may direct.

[Standing Order 53.]

115. When the motion is reached, the President shall read the draft amendments and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifteen members rise accordingly, the President shall intimate that the member has the leave of the Council. If less than fifteen members rise, the President shall inform the member that he has not the leave of the Council. Procedure.

[Standing Order 54.]

116. (1) Where a member has the leave of the Council to proceed, he shall move that the draft amendments be referred to a Select Committee. Reference to Select Committee.

(2) If that motion is carried, the draft amendments shall be referred to a Select Committee of which the President shall be Chairman, and one of the Chairmen of

the Council, to be nominated by the President, shall be a member. The remaining members, who shall be seven in number, shall be selected by the Council by means of the single transferable vote in accordance with the Regulations framed in this behalf by the President.

[Standing Order 55.]

Subsequent
procedure.

117. After a draft has been referred to a Select Committee, the procedure in regard to Bills similarly committed shall, as far as may be, be followed with such variations as the President may consider necessary or convenient.

[Standing Order 56.]

CHAPTER XI.

RESOLUTIONS.

Notice of
resolutions.

118. A member, who wishes to move a resolution, shall give fifteen clear days' notice of his intention, and shall, together with the notice, submit a copy of the resolution which he wishes to move:

Provided that the President, with the consent of the Member of the Government to whose department the resolution relates, may allow it to be entered on the list of business with shorter notice than fifteen days.

[Standing Order 57.]

Power to
disallow
resolutions.

119. The Governor General may within the period of notice disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest, or on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council, and if he does so the resolution or part of the resolution shall not be placed on the list of business.

[Rule 22 (1).]

Restrictions
on subjects
for discus-
sion.

120. (1) Every resolution shall be in the form of a specific recommendation addressed to the Governor General in Council.

(2) No resolution shall be moved—

(i) on any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions; or

(ii) save with the consent of the Governor General in his discretion,—

- (a) on any matter connected with relations between His Majesty or the Governor General in Council and any foreign State or Prince ;
- (b) on any matter connected with the tribal areas or the administration of any excluded area ;
- (c) on any action taken in his discretion by the Governor General in relation to the affairs of a Province ;
- (d) on any matter connected with any Indian State ; or
- (e) on the personal conduct of the Ruler of any Indian State or a member of the ruling family thereof.

(3) The decision of the Governor General in his discretion on the point whether any resolution is or is not within the restrictions imposed by sub-paragraph (2) shall be final.

[Rule 23.]

121. Subject to the restrictions contained in the rules and to the provisions of the standing orders, any member may move a resolution relating to a matter of general public interest : Form and contents of resolutions.

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

- (a) it shall be clearly and precisely expressed and shall raise substantially one definite issue ; and
- (b) it shall not contain arguments, inferences, ironical expressions or defamatory statements nor shall it refer to the conduct or character of persons except in their official or public capacity.

[Standing Order 58.]

122. The President shall decide on the admissibility of a resolution and may disallow any resolution when in his opinion it does not comply with the standing orders, and shall disallow any resolution if it infringes the rules as to the subject-matter of resolutions. Admissibility of resolutions.

[Standing Order 59.]

Motion and
withdrawal
of resolu-
tions.

123. (1) A member in whose name a resolution stands on the list of business shall, when called on, either—

- (a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect ; or
- (b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business :

Provided that the member may, with the permission of the President, authorise any other member in whose name the same resolution stands lower in the list of business to move it on his behalf, and the member so authorised may move accordingly.

(2) If the member when called on is absent, the resolution standing in his name shall be deemed to have been withdrawn.

[Standing Order 60.]

Duration of
speeches.

124. No speech on a resolution, except with the permission of the President, shall exceed fifteen minutes in duration :

Provided that the mover of a resolution, when moving the same, and the Member of the Government to whose department the resolution relates, when speaking for the first time, may speak for thirty minutes.

[Standing Order 61.]

Limits of
discussion.

125. The discussion of a resolution shall be strictly limited to the subject of the resolution.

[Standing Order 62.]

Amendments.

126. After a resolution has been moved, any member may, subject to the rules and standing orders relating to resolutions, move an amendment to the resolution.

[Standing Order 63.]

Notice of
amendments.

127. (1) If notice of such amendment has not been given two clear days before the day on which the resolution is moved, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this paragraph, allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every amendment to be printed, and a copy thereof to be made available for the use of every member.

[Standing Order 64.]

128. (1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same except by leave of the Council. Withdrawal of resolutions.

(2) No discussion shall be permitted on a motion for leave to withdraw except with the permission of the President.

[Standing Order 65.]

129. (1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed. Order of amendments.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

[Standing Order 66.]

130. When any resolution involving several points has been discussed, it shall be in the discretion of the President to divide the resolution, and put each or any point separately to the vote as he may think fit. Division of resolution.

[Standing Order 67.]

131. If a resolution which has been admitted is not discussed during the session, it shall be deemed to have been withdrawn. Resolutions not discussed.

[Standing Order 68.]

132. (1) When a resolution has been moved, no resolution or amendment raising substantially the same question shall be moved within one year. Effect of motion and disallowance.

(2) When a resolution has been disallowed under the rules or standing orders or has been withdrawn with the leave of the Council, no resolution raising substantially the same question shall be moved during the same session.

[Standing Order 69.]

**Copy to
Government.**

133. A copy of every resolution which has been passed by the Council shall be forwarded to the Governor General in Council, but any such resolution shall have effect only as a recommendation to the Governor General in Council.

[Rule 24.]

**Discussion of
matters of
general
public
interest
otherwise
than on a
resolution**

134. (1) Save in so far as is otherwise provided by the rules or in any case in which a communication is to be made to the Governor General under any provision of the new Act, of the old Act or of the rules, no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates.

(2) It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved and the decision of the Governor General on the point whether any motion is or is not within the restrictions imposed by sub-paragraph (2) of paragraph 120 shall be final.*

(3) The Governor General may disallow any motion or part of a motion on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council and if he does so the motion shall not be placed on the list of business.

[Rule 24A.]

CHAPTER XII.

THE BUDGET.

**Presentation
of Budget**

135. (1) A statement of the estimated annual expenditure and revenue of the Governor General in Council (hereinafter referred to as "the Budget") shall be presented each year to the Council on such day or days as the Governor General may appoint.

[Section 67A (1) old Act and Rule 43.]

*Note.—There has been an obvious failure to make in rule 24A (2) an amendment consequential on the wording of the new sub-rule (3) of rule 23.

(2) Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to each Chamber in two or more parts; and when such presentation takes place, each part shall be dealt with as if it were the Budget.

Presentation of Budget in parts.

[Rule 49A.]

136. (1) There shall be no discussion of the Budget on the day on which it is presented to the Council.

Discussion of Budget.

(2) On a day to be appointed by the Governor General subsequent to the day on which the Budget is presented, and for such time as the Governor General may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council.

(3) The Finance Member shall have a general right of reply at the end of the discussion.

(4) The President may, if he thinks fit, prescribe a time-limit for speeches.

[Standing Order 70.]

137. When the Budget is presented to the Council in two or more parts, each part shall be dealt with in accordance with paragraph 136 as if it were the Budget.

Procedure when Budget is presented in parts.

Provided that the Governor General may appoint any Member of his Executive Council or any member of the Council to exercise the general right of reply referred to in the said paragraph.

[Standing Order 70A.]

CHAPTER XIII.

COMMUNICATIONS BETWEEN GOVERNOR GENERAL AND THE COUNCIL AND REPORT OF PROCEEDINGS OF THE COUNCIL.

138. (1) Communications from the Governor General to the Council, if not made by a speech from the throne where the Governor General has required the members to

Communications from the Governor General.

attend, shall be made to the President by written message, or, if the Governor General is absent from the headquarters of the Government, by telegraphic message the authenticity of which shall be certified to the President under signature of the Member of the Government whose department is concerned.

[Section 63A(3) old Act and Rule 53.]

(2) Such messages are delivered to the President by a Member of the Government and read to the Council by the President.

[Practice.]

Communica-
tions to the
Governor
General.

139. Communications from the Council to the Governor General shall be made—

- (1) by formal address, after motion made and carried in the Council ; and
- (2) through the President.

[Standing Order 71.]

Report of
Proceedings.

140. The Secretary shall cause to be prepared a full report of the proceedings of the Council at each of its meetings, and shall, as soon as practicable, publish it in such form and manner as the President may, from time to time, direct.

[Standing Order 72.]

CHAPTER XIV.

PETITIONS RELATING TO PENDING BILLS.

Petitions
relating to
pending
Bills.

141. Petitions relating to a Bill pending in the Chamber may be presented or submitted in accordance with the standing orders.

[Standing Order 73.]

Presentation
of petitions.

142. Any such petition may either be presented by a member, or be forwarded to the Secretary, in which latter case the facts shall be reported by him to the Chamber.

[Standing Order 74.]

143. A member presenting a petition shall confine Form of presentation. himself to a statement in the following form :—

“ I present a petition signed by _____
petitioners regarding _____
Bill now pending in this Chamber ”, and no debate shall
be permitted on this statement.

[Standing Order 75.]

144. At the commencement of each session the President shall nominate a Chairman and four members Nomination of Committee on Petitions. to constitute the Committee on Petitions and, if he thinks fit, shall fill up any vacancies occurring on the Committee during the session.

[Standing Order 76.]

155. Every petition shall, after presentation by a member or report by the Secretary, as the case may be, Reference to Committee. be referred to the Committee, and the Chamber shall not be considered to be seized of the petition till the Committee has reported thereon.

[Standing Order 77.]

146. The Committee shall examine every petition Examination and report by Committee. referred to it, and shall report to the Chamber stating the subject-matter of the petition, the number of persons by whom it is signed, and whether it is in conformity with the standing orders. If the petition complies with the standing orders, the Committee may, in its discretion, direct that it be circulated as a paper to the Bill to which it relates. Such circulation shall be of the petition *in extenso* or of a summary thereof as the Committee may direct. The Committee shall in its report state whether circulation has or has not been directed.

[Standing Order 78.]

147. Every petition shall—

- (i) either be in English and in print, or, if not in English, be accompanied by an accurate English translation in print ; Printing, counter-signature and language of petitions.
- (ii) if presented by a member, be countersigned by him ; and
- (iii) be couched in respectful and temperate language.

[Standing Order 79.]

Authentica-
tion of signa-
tories to
petitions.

148. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate, by his signature, and, if illiterate, by his thumb impression.

[Standing Order 80.]

Petition to
whom to be
addressed
and how
to be con-
cluded.

149. Every petition shall be addressed to the Council of State, and shall conclude with a definite prayer in regard to the Bill to which it relates.

[Standing Order 81.]

General form
of petition.

150. The general form of petition set out in Schedule II, with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

[Standing Order 82.]

SCHEDULE I.

[*See para. 19 (2).*]

BALLOT PROCEDURE FOR DETERMINING RELATIVE
PRECEDENCE OF NON-OFFICIAL BILLS AND
RESOLUTIONS.

1. For the first two days of the session, whether the Council actually meets or not, there will be kept in the Council office, under the control of the Secretary, a numbered list. On this list and during those days and at hours when the office is open, any member who wishes in the current session to give notice or has given notice of a Bill or resolution may have his name entered once only on the list against a number.

2. On the third day a ballot will be held in the Committee room before the Secretary, at which any member who wishes to attend may do so.

3. Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

4. A clerk will take out at hazard from the box one of the papers, and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers have been drawn.

5. Priority on the list will entitle the member to have set down in the order of his priority either a Bill or a resolution but not both, of which he has either given notice or of which he may give notice on the day after the ballot, on any day in the month in which the session commences, available for the disposal of non-official business after the necessary notice for the Bill or the resolution, as the case may be, has expired.

6. A member may select, subject to the priorities of the list, any day allotted for the disposal of non-official business. But he or some other member authorised by him must state there and then at the time of the ballot the Bill or resolution that he wishes to have set down and the date on which he wishes it set down and, if he has not already given notice, must do so on the day next following, or he will lose all priority.

7. To determine the priority of non-official business during the remainder of the session, ballots shall be held for such days and on such occasions as the President may from time to time appoint, and due notice shall be given to members of any proposed ballot. Subsequent ballots shall be taken in accordance with the procedure hereinbefore set out.

SCHEDULE II.

[See para. 150.]

FORM OF PETITION RELATING TO PENDING BILLS.

TO THE COUNCIL OF STATE.

WHEREAS a Bill entitled a Bill

(Here insert title of Bill.)

is now under the consideration of the Council of State,
the humble petition of

(Here insert name and designation or description of petitioner in concise form,
" Ram Lal and others "
or " the inhabi-
tants of—"
or " the municipality of—"
etc.)

sheweth

(Here insert concise statement of case.)

and accordingly your petitioner prays that

(Here insert " that the Bill be or be not pro-
ceeded with ", or
" that special provision be made in the Bill to meet the case of your peti-
tioner ", or
any other appropriate prayer regarding the Bill.)

and your petitioner as in duty bound will ever pray.

Signature of petitioner.

Countersignature of member presenting.

Paragraphs of the Manual showing the main sources from which they are drawn.

Paragraph in Manual.	Section of old or new Act.	Rule.	Standing Order.
1			
2	63D (1) (old).		
3	63D (2) (old)		3
4	63D (2) (old).		
5	63D (1) (old).		
6			
7			
8			
9	63E (old) 68 (2) (new).		
10	93 (1) (old).		
11	93 (2) (old).		
12	63A (2) (old).		
13	63A (2) (old).		
14		4	
15		5	2
16			5
17	63D (3) (old).		
18		6	
19			6
20			7
21			8
22			9
23			10
24			4 (1)

Paragraph in Manual.	Section of old or new Act.	Rule.	Standing Order.
25			11
26			12
27		7	
28		8	
29		9	
30			13
31			14
32			15
33			16
34			17
35			18
36		10	
37			19
38		11	
39		12	
40			20
41			21
42			22
43			23
44		22 (2)	
45		13	
46			24
47			25
48			26
49			27
50		14	
51	67 (7) (old).		
52			28

Paragraph in Manual.	Section of old or new Act.	Rule.	Standing Order.
53 (1)			29 (1)
(2)	63D (4) (old)		
(3)			29 (2)
(4)			29 (3)
54			
55			30
56			31
57			32
			33
58			
59		15	
60		16	
		17	
62			
63			34
			35
64	63 (old).		
65 (1)	67 (2) (a) (old).		
(2) (a)	102 (1) (new).		
(b)	107 (2) (new).		
(c)	108 (1) (new).		
(d)	119 (1) (new).		
(e)	126 (2) (new).		
(f)	141 (1) (new).		
(g)	153 (new).		
(h)	{ 166 (3) (new).		
	{ 170 (3) (new).		
(i)	182 (2) (new).		
(j)	192 (new).		
(k)	206 (3) (new).		
(l)	226 (2) (now).		
(m)	267 (new).		
(n)	271 (1) (new).		
(o)	299 (3) (new).		
66			
67		18	
68		19	
		19A	
69	67 (2A) (old)	21	

Paragraph in Manual.	Section of old or new Act.	Rule.	Standing Order.
70			36
71		20	
72			37
73			38
74		20A	
75			39
76			39A
77			40
78			41
79			42
80			43
81			44
82			45
83			46
84			47
85			48
86			49
87			4(2)
88		36C	
89			50
90	67 (4) (old)		52
91	63 (old).		
92		25	
93		26	
94		27	
95		28	
96		29	
97		30	
98		31	
99		32	
100		33	
101		34	

Paragraph in Manual.	Section of old or new Act.	Rule.	Standing Order.
102	67 (3) (old).	35	
103		36	
104		36A	
105		36B	
106			
106 (2)		37	
107		38	
108		39	
109		40	
110		41	
111		42	
112	67 (6) (old).		51
113			
114			53
115			54
116			55
117			56
118			57
119		22 (1)	
120		23	
121			58
122			59
123			60
124			61
125			62
126			63
127			64
128			65
129			66
130			67
131			68
132			69
133		24	

Paragraph in Manual.	Section of old or new Act.	Rule.	Standing Order.
134		24A	
135 (1)	67A (1) (old)	43	
135 (2)		48A	
136			70
137			60A
138 (1)	63A (3) (old)	53	
139			71
140			72
141			73
142			74
143			75
144			76
145			77
146			78
147			79
148			80
149			81
150			82

APPENDIX 1.

PROVISIONS OF THE GOVERNMENT OF INDIA (COMMENCEMENT AND TRANSITORY PROVISIONS) ORDER, 1936, AND OF THE OLD AND NEW ACTS RELATING TO THE INDIAN LEGISLATURE.

THE GOVERNMENT OF INDIA (COMMENCEMENT AND TRANSITORY PROVISIONS) ORDER, 1936.

12. So much of section three hundred and twenty-one of, and of the Tenth Schedule to, the new Act as repeals sub-section (2) of section sixty-seven of the old Act down to the words "the revenues of India" shall not take effect until the establishment of the Federation.

OLD ACT.

(Sections 63 to 64, 67-69, 93 and 129A.)

Indian Legislature.

63. Subject to the provisions of this Act, the Indian ^{Indian} Legislature shall consist of the Governor General and two ^{Legislature.} Chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian Legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as may be agreed to by both Chambers.

63A. (1) The Council of State shall consist of not ^{Council of} more than sixty members nominated or elected in accord- ^{State.} ance with rules made under this Act, of whom not more than twenty shall be official members.

(2) The Governor General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct.

(3) The Governor General shall have the right of ^{Legislative} addressing the Council of State, and may for that purpose ^{Assembly.} require the attendance of its members.

63B. (1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under this Act.

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number

(2) If an elected member of either Chamber of the Indian Legislature becomes a member of the other Chamber his seat in such first-mentioned Chamber shall thereupon become vacant.

(3) If any person is elected a member of both Chambers of the Indian Legislature, he shall, before he takes his seat in either Chamber, signify in writing the Chamber of which he desires to be a member, and thereupon his seat in the other Chamber shall become vacant.

(4) Every member of the Governor General's Executive Council shall be nominated as a member of one Chamber of the Indian Legislature, and shall have the right of attending in and addressing the other Chamber, but shall not be a member of both Chambers.

Supple-
mentary
provision as
to composi-
tion of
Legislative
Assembly
and Council
of State.

64. (1) Subject to the provisions of this Act, provision may be made by rules under this Act as to—

- (a) the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise ; and
- (b) the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly ; and
- (c) the qualification of electors, the constitution of constituencies, and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matter incidental or ancillary thereto ; and
- (d) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly ; and
- (e) the final decision of doubts or disputes as to the validity of an election ; and
- (f) the manner in which the rules are to be carried into effect.

(2) Subject to any such rules, any person who is a ruler or subject of any State in India may be nominated as a member of the Council of State or the Legislative Assembly.

67. (1) Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the Chambers of the Indian Legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy-President and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of any subject specified in the rules.

Business and
proceedings
in Indian
Legislature.

*[(2) It shall not be lawful, without the previous sanction of the Governor General, to introduce at any meeting of either Chamber of the Indian Legislature any measure affecting—

(a) the public debt or public revenues of India,
or imposing any charge on the revenues of
India;

* * * * *

(2A) Where in either Chamber of the Indian Legislature any Bill has been introduced, or is proposed to be introduced, or any amendment to a Bill is moved, or proposed to be moved, the Governor General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India, or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the Chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction.

(3) If any Bill which has been passed by one Chamber is not, within six months after the passage of the Bill by that Chamber, passed by the other Chamber either without amendments or with such amendments as may be agreed to by the two Chambers, the Governor General may in his discretion refer the matter for decision to a joint sitting of both Chambers :

* Kept alive by paragraph 12 of the Government of India (Commencement and Transitory Provisions) Order, 1936.

Provided that standing orders* made under this section may provide for meetings of members of both Chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two Chambers.

(4) Without prejudice to the powers of the Governor General under section sixty-eight of this Act, the Governor General may, where a Bill has been passed by both Chambers of the Indian Legislature, return the Bill for reconsideration by either Chamber.

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either Chamber of the Indian Legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor General in Council, but may, with the consent of the Governor General, be altered by the Chamber to which they relate.

Any standing order made as aforesaid which is repugnant, to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the Chamber there shall be freedom of speech in both Chambers of the Indian Legislature. No person shall be liable to any proceedings in any Court by reason of his speech or vote in either Chamber, or by reason of anything contained in any official report of the proceedings of either Chamber.

Indian
Budget.

67A. (1) The estimated annual expenditure and revenue of the Governor General in Council shall be laid in the form of a statement before both Chambers of the Indian Legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor General.

* " Standing orders " here appears to occur by mistake for " rules " —See Rule 40 of the Indian Legislative Rules in Appendix II.

(3) The proposals of the Governor General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either Chamber at the time when the annual statement is under consideration, unless the Governor General otherwise directs—

- (i) interest and sinking fund charges on loans and
- (ii) expenditure of which the amount is prescribed by or under any law ; and
- (iii) salaries (including in the case of the Governor General sums payable on his account in respect of his office) and pensions payable to or to the dependents of—
 - (a) persons appointed by or with the approval of His Majesty ;
 - (b) Chief Commissioners and Judicial Commissioners ; and
- (iv) any grants for purposes connected with the administration of any areas in a Province which are for the time being Excluded Areas ; and
- (v) the sums payable to His Majesty under the Government of India Act, 1935, in respect of the expenses of His Majesty incurred in discharging the functions of the Crown in relation to Indian States ; and
- (vi) expenditure classified by the order of the Governor General in Council as—
 - (a) ecclesiastical ;
 - (b) external affairs ;
 - (c) defence ; or
 - (d) relating to tribal areas ;
- (vii) expenditure of the Governor General in discharging his functions as respects matters with respect to which he is required by the provisions of the Government of India Act, 1935, for the time being in force to act in his discretion ;

Power of
Crown to
disallow
Acts.

69. (1) When an Act of the Indian Legislature has been assented to by the Governor General, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty in Council to signify his disallowance of any such Act.

(2) Where the disallowance of any such Act has been so signified, the Governor General shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

Vacation of Office.

Vacancies in
Legislative
Councils.

93. (1) A nominated or elected member of either Chamber of the Indian Legislature or of a local Legislative Council may resign his office to the Governor General or to the Governor, Lieutenant-Governor, or Chief Commissioner, as the case may be, and, on the acceptance of the resignation, the office shall become vacant.

(2) If for a period of two consecutive months any such member is absent from India or unable to attend to the duties of his office, the Governor General, Governor, Lieutenant-Governor, or Chief Commissioner, as the case may be, may, by notification published in the Government Gazette, declare that the seat in Council of that member has become vacant.

Rules.

Provisions
as to rules.

129A. (1) Where any matter is required to be prescribed or regulated by rules under this Act, and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor General in Council, with the sanction of the Secretary of State and shall not be subject to repeal or alteration by any Legislature in India.

* * * * *

NEW ACT.

(Sections 99, 100, 102—116, 119, 120, 126, 141, 153, 166, 170, 182, 192, 206, 215, 218, 226, 241, 267, 271, 296, 299 and 316 and the Seventh Schedule.)

Extent of
Federal and
Provincial
laws.

99. (1) Subject to the provisions of this Act, the Federal Legislature may make laws for the whole or any part of British India or for any Federated State, and a Provincial Legislature may make laws for the province or for any part thereof.

(2) Without prejudice to the generality of the powers conferred by the preceding sub-section, no Federal law shall, on the ground that it would have extra territorial operation, be deemed to be invalid in so far as it applies—

- (a) to British subjects and servants of the Crown in any part of India ; or
- (b) to British subjects who are domiciled in any part of India wherever they may be ; or
- (c) to, or to persons on, ships or aircraft registered in British India or any Federated State wherever they may be ; or
- (d) in the case of a law with respect to a matter accepted in the Instrument of Accession of a Federated State as a matter with respect to which the Federal Legislature may make laws for that State, to subjects of that State wherever they may be ; or
- (e) in the case of a law for the regulation or discipline of any naval, military, or air force raised in British India, to members of, and persons attached to, employed with or following, that force, wherever they may be.

100. (1) Notwithstanding anything in the two next preceding sub-sections the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I of the Seventh Schedule to this Act (hereinafter called the Federal Legislative List ").

Subject matter of Federal and Provincial laws.

(2) Notwithstanding anything in the next succeeding sub-section, the Federal Legislature, and, subject to the preceding sub-section, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III in the said Schedule (hereinafter called the " Concurrent Legislative List ").

(3) Subject to the two preceding sub-sections the Provincial Legislature has and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the " Provincial Legislative List ").

tions as may be, or may have been, so made for the purpose of authorising or requiring anything which under the said Act is to be done by or to the Admiralty, or the Secretary of the Admiralty to be done by or to the Governor General, or some person authorised to act on his behalf ; and

- (b) in the application of the said Act to the forces and ships of His Majesty's navy other than those of the Indian navy, to such modifications and adaptations as may be made, or may have been made under section sixty-six of the Government of India Act, by His Majesty in Council for the purpose of regulating the relations of those forces and ships to the forces and the ships of the Indian navy.

(2) Notwithstanding anything in this Act or in any Act of any Legislature in India, where any forces and ships of the Indian navy have been placed at the disposal of the Admiralty, the Naval Discipline Act, shall have effect as if references therein to His Majesty's navy and His Majesty's ships included reference to His Majesty's Indian navy and the ships thereof, without any such modifications or adaptations as aforesaid.

Provisions
as to
legislation
for giving
effect to
international
agreements.

103. (1) The Federal Legislature shall not by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries have power to make any law for any Province except with the previous consent of the Governor, or for a Federated State except with the previous consent of the Ruler thereof.

(2) So much of any law as is valid only by virtue of any such entry as aforesaid may be repealed by the Federal Legislature and may, on the treaty or agreement in question ceasing to have effect, be repealed as respects any Province or State by a law of that Province or State.

(3) Nothing in this section applies in relation to any law which the Federal Legislature has power to make for Province or, as the case may be, a Federated State, by virtue of any other entry in the Federal or the Concurrent Legislative List as well as by virtue of the said entry.

107. (1) If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian law with respect to one of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing Indian law, shall prevail and the Provincial law shall, to the extent of the repugnancy, be void.

Inconsistency between Federal laws and Provincial or State laws.

(2) Where a Provincial law with respect to one of the matters enumerated in the Concurrent Legislative List contains any provision repugnant to the provisions of an earlier Federal law or an existing Indian law with respect to that matter, then, if the Provincial law, having been reserved for the consideration of the Governor General or for the signification of His Majesty's pleasure, has received the assent of the Governor General or of His Majesty, the Provincial law shall in that Province prevail, but nevertheless the Federal Legislature may at any time enact further legislation with respect to the same matter :

Provided that no Bill or amendment for making any provision repugnant to any Provincial law, which, having been so reserved, has received the assent of the Governor General or of His Majesty, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion.

(3) If any provision of a law of a Federated State is repugnant to a Federal law which extends to that State, the Federal law, whether passed before or after the law of the State, shall prevail and the law of the State shall, to the extent of the repugnancy, be void.

108. (1) Unless the Governor General in his discretion thinks it to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature any Bill or amendment which—

Sanction of Governor General or Governor required for certain legislative proposals.

- (a) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India ; or

- (b) repeals, amends or is repugnant to any Governor General's or Governor's Act, or any ordinance promulgated in his discretion by the Governor General or a Governor ; or
- (c) affects matters as respects which the Governor General is, by or under this Act, required to act in his discretion ; or
- (d) repeals, amends or affects any Act relating to any police force ; or
- (e) affects the procedure for criminal proceedings in which European British subjects are concerned ; or
- (f) subjects persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein ; or
- (g) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom.

* * * * *

(3) Nothing in this section affects the operation of any other provision of this Act which requires the previous sanction of the Governor General or of a Governor to the introduction of any Bill or the moving of any amendment.

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109. (1) Where under any provision of this Act the previous sanction or recommendation of the Governor General or of a Governor is required to the introduction or passing of a Bill or the moving of an amendment, the giving of the sanction or recommendation shall not be construed as precluding him from exercising subsequently in regard to the Bill in question any powers conferred upon him by this Act with respect to the withholding of assent to, or the reservation of, Bills.

(2) No Act of the Federal Legislature or a Provincial Legislature, and no provision in any such Act, shall be

invalid by reason only that some previous sanction or recommendation was not given, if assent to that Act was given—

- (a) where the previous sanction or recommendation required was that of the Governor, either by the Governor, by the Governor General, or by His Majesty ;
- (b) where the previous sanction or recommendation required was that of the Governor General, either by the Governor General or by His Majesty.

110. Nothing in this Act shall be taken—

Savings.

- (a) to affect the power of Parliament to legislate for British India, or any part thereof ; or
- (b) to empower the Federal Legislature, or any Provincial Legislature—
 - (i) to make any law affecting the Sovereign or the Royal Family, or the Succession to the Crown, or the sovereignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize courts ; or
 - (ii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law amending any provision of this Act, or any Order in Council made thereunder, or any rules made under this Act by the Secretary of State, or by the Governor General or a Governor in his discretion, or in the exercise of his individual judgment ; or
 - (iii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law derogating from any prerogative right of His Majesty to grant special leave to appeal from any court.

of a company, or of the holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants:

Provided that no company or person shall by virtue of this section be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the law of the United Kingdom in regard to companies incorporated by or under the laws of British India and carrying on or proposing to carry on business in the United Kingdom.

(2) If and in so far as any total or partial exemption from, or preferential treatment in respect of, taxation imposed on companies by or under any Federal or Provincial law depends on compliance with conditions as to any of the matters mentioned in sub-section (1) of this section, any company incorporated by or under the laws of the United Kingdom carrying on business in British India shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under the laws of British India and carrying on business in the United Kingdom does not depend on compliance with conditions as to any of the matters so mentioned.

Companies
incor-
porated in
India.

114. (1) Subject to the following provisions of this chapter, a British subject domiciled in the United Kingdom shall be deemed to comply with so much of any Federal or Provincial law as imposes in regard to companies incorporated or proposed to be incorporated, whether before or after the passing of this Act, by or under the laws of British India, any requirements or conditions relating to, or connected with, the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company, or of the holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants:

Provided that no person shall by virtue of this section be deemed to comply with any such requirement or condition as aforesaid if and so long as a like

requirement or condition is imposed by or under the law of the United Kingdom in regard to companies incorporated or proposed to be incorporated by or under the laws of the United Kingdom on British subjects domiciled in British India.

(2) If and in so far as, in the case of any such companies as aforesaid, any total or partial exemption from, or preferential treatment in respect of, taxation imposed by or under any Federal or Provincial law depends on compliance with conditions as to any of the matters aforesaid, then, so far as regards such members of its governing body and such of the holders of its shares, stock, debentures, debenture stock or bonds, and such of its officers, agents, and servants, as are British subjects domiciled in the United Kingdom, any such company shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under those laws does not, as regards such of the members of a company's governing body, or such of the holders of its shares, stock, debentures, debenture stock or bonds, or such of its officers, agents, or servants, as are British subjects domiciled in British India, depend on compliance with conditions as to any of the matters aforesaid.

(3) For the purposes of this section, but not for the purposes of any other provision of this chapter, a company incorporated before the commencement of Part III of this Act under any existing Indian law and registered thereunder in Burma, shall be deemed to be a company incorporated by or under the laws of British India.

115. (1) No ship registered in the United Kingdom shall be subjected by or under any Federal or Provincial law to any treatment affecting either the ship herself, or her master, officers, crew, passengers or cargo, which is discriminatory in favour of ships registered in British India, except in so far as ships registered in British India are for the time being subjected by or under any law of the United Kingdom to treatment of a like character which is similarly discriminatory in favour of ships registered in the United Kingdom. Ships and aircraft.

(2) This section shall apply in relation to aircraft as it applies in relation to ships.

(3) The provisions of this section are in addition to and not in derogation of the provisions of any of the preceding sections of this chapter.

Subsidies
for the
encourage-
ment of
trade or
industry.

116. (1) Notwithstanding anything in any Act of the Federal Legislature or of a Provincial Legislature, companies incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom and carrying on business in India shall be eligible for any grant, bounty or subsidy payable out of the revenues of the Federation or of a Province for the encouragement of any trade or industry to the same extent as companies incorporated by or under the laws of British India are eligible therefor:

Provided that this sub-section shall not apply in relation to any grant, bounty or subsidy for the encouragement of any trade or industry, if and so long as under the law of the United Kingdom for the time being in force companies incorporated by or under the laws of British India and carrying on business in the United Kingdom are not equally eligible with companies incorporated by or under the laws of the United Kingdom for the benefit of any grant, bounty or subsidy payable out of public moneys in the United Kingdom for the encouragement of the same trade or industry.

(2) Notwithstanding anything in this chapter, an Act of the Federal Legislature or of a Provincial Legislature may require, in the case of a company which at the date of the passing of that Act was not engaged in British India in that branch of trade or industry which it is the purpose of the grant, bounty or subsidy to encourage, that the company shall not be eligible for any grant, bounty or subsidy under the Act unless and until—

- (a) the company is incorporated by or under the laws of British India or, if the Act so provides, is incorporated by or under the laws of British India or of a Federated State; and
- (b) such proportion, not exceeding one-half, of the members of its governing body as the Act may

prescribe, are British subjects domiciled in India or, if the Act so provides, are either British subjects domiciled in India or subjects of a Federated State; and

- (c) the company gives such reasonable facilities as may be so prescribed for the training of British subjects domiciled in India or, if the Act so provides, of British subjects domiciled in India or subjects of a Federated State.

(3) For the purposes of this section a company incorporated by or under the laws of the United Kingdom shall be deemed to be carrying on business in India if it owns ships which habitually trade to and from ports in India.

119. (1) No Bill or amendment which prescribes, or empowers any authority to prescribe, the professional or technical qualifications which are to be requisite for any purpose in British India or which imposes, or empowers any authority to impose, by reference to any professional or technical qualification, any disability, liability, restriction or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, or the holding of any office in British India, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor General in his discretion.

* * * * *

120. (1) So long as the condition set out in sub-section (3) of this section continues to be fulfilled, a British subject domiciled in the United Kingdom or India who, by virtue of a medical diploma granted to him in the United Kingdom, is, or is entitled to be, registered in the United Kingdom as a qualified medical practitioner shall not by or under any existing Indian law or any law of the Federal or any Provincial Legislature, be excluded from practising medicine, surgery or midwifery in British India, or in any part thereof, or from being registered as qualified so to do, on any ground other than the ground that the diploma held by him does not furnish a sufficient

Professional and technical qualifications in general.

Medical qualifications.

guarantee of his possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and he shall not be so excluded on that ground unless a law of the Federation or of the Province, as the case may be, makes provision for securing—

- (a) that no proposal for excluding the holders of any particular diploma from practice or registration shall become operative until the expiration of twelve months after notice thereof has been given to the Governor General and to the University or other body granting that diploma ; and
- (b) that such a proposal shall not become operative or, as the case may be, shall cease to operate, if the Privy Council on an application made to them under the next succeeding sub-section determine that the diploma in question ought to be recognised as furnishing such a sufficient guarantee as aforesaid.

* * * * *

(3) The condition referred to in sub-section (1) of this section is that British subjects domiciled in India who hold a medical diploma granted after examination in British India shall not be excluded from practising medicine, surgery or midwifery in the United Kingdom or from being registered therein as qualified medical practitioners, except on the ground that that diploma does not furnish a sufficient guarantee of the possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and shall only be excluded on that ground so long as the law of the United Kingdom makes provision for enabling any question as to the sufficiency of that diploma to be referred to and decided by the Privy Council.

* * * * *

126. * * * * *

Control of
Federation
over
Province
in certain
cases.

(2) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Act of the Federal Legislature which relates to a matter specified in Part II

of the Concurrent Legislative List and authorises the giving of such directions :

Provided that a Bill or amendment which proposes to authorise the giving of any such directions as aforesaid shall not be introduced into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion.

* * * * *

141. (1) No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression " agricultural income " as defined for the purposes of the enactments relating to Indian income-tax, or which affects the principles on which under any of the foregoing provisions of this chapter moneys are or may be distributable to Provinces or States, or which imposes any such Federal surcharge as is mentioned in the foregoing provisions of this chapter, shall be introduced or moved in either Chamber of the Federal Legislature except with the previous sanction of the Governor General in his discretion.

* * * * *

(3) In this section the expression " tax or duty in which Provinces are interested " means—

(a) a tax or duty the whole or part of the net proceeds whereof are assigned to any Province ;
or

(b) a tax or duty by reference to the net proceeds whereof sums are for the time being payable out of the revenues of the Federation to any Provinces.

153. No Bill or amendment which affects the coinage or currency of the Federation or the constitution or functions of the Reserve Bank of India shall be introduced into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion.

166.

* * * * *

(3) The Auditor General shall perform such duties and exercise such powers in relation to the accounts of the Federation and of the Provinces as may be prescribed by, or by rules made under, an Order of His Majesty in

Council, or by any subsequent Act of the Federal Legislature varying or extending such an Order :

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved without the previous sanction of the Governor General in his discretion.

	*	*	*	*	*	*	*	*	*
Auditor of Indian Home Accounts.	170.	*	*	*	*	.	*	*	*

(3) The Auditor of the Indian Home Accounts shall perform such duties and exercise such powers in relation to transactions in the United Kingdom affecting the revenues of the Federation, of the Federal Railway Authority, or of any Province, as may be prescribed by, or by rules made under, an Order of His Majesty in Council or by any Act of the Federal Legislature varying or extending such an Order :

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved without the prior sanction of the Governor General in his discretion.

	*	*	*	*	*	*	*	*	*
Composition, etc., of Railway Authority.	182.	*	*	*	*	*	*	*	*

(2) Subject as aforesaid the provisions of the Eighth Schedule to this Act, as supplemented or amended by any Act of the Federal Legislature for the time being in force, shall have effect with respect to the appointment, qualifications and conditions of service of members of the Authority, and with respect to the Authority's proceedings, executive staff and liability to income-tax :

Provided that, except with the previous sanction of the Governor General in his discretion, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature any Bill or any amendment for supplementing or amending the provisions of the said Schedule.

Bills and amendments for regulating rates and fares to require recommenda- tion of Governor General.	192.	A Bill or amendment making provision for regulating the rates or fares to be charged on any railway shall not be introduced or moved in either Chamber of the Federal Legislature except on the recommendation of the Governor General.
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206. (1) The Federal Legislature may by Act provide that in such civil cases as may be specified in the Act an appeal shall lie to the Federal Court from a judgment decrec or final order of a High Court in British India without any such certificate as aforesaid but no appeal shall lie under any such Act unless—

Power of
Federal
Legislature
to enlarge
appellate
jurisdiction.

(a) the amount or value of the subject-matter of the dispute in the court of first instance and still in dispute on appeal was and is not less than fifty thousand rupees or such other sum not less than fifteen thousand rupees as may be specified by the Act, or the judgment decrec or final order involves directly or indirectly some claim or question respecting property of the like amount or value ; or

(b) the Federal Court gives special leave to appeal.

(2) If the Federal Legislature makes such provision as is mentioned in the last preceding sub-section, consequential provision may also be made by Act of the Federal Legislature for the abolition in whole or in part of direct appeals in civil cases from High Courts in British India to His Majesty in Council, either with or without special leave.

(3) A bill or amendment for any of the purposes specified in this section shall not be introduced into, or moved in, either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion.

215. The Federal Legislature may make provision by Act for conferring upon the Federal Court such supplemental powers not inconsistent with any of the provisions of this Act as may appear to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by or under this Act.

Ancillary
powers of
Federal
Court.

218. Nothing in this chapter shall be construed as conferring, or empowering the Federal Legislature to confer, any right of appeal to the Federal Court in any case in which a High Court in British India is exercising jurisdiction on appeal from a court outside British India,

Savings.

or as affecting any right of appeal in any such case to His Majesty in Council with or without leave.

Jurisdiction
in revenue
matters.

226. (1) Until otherwise provided by Act of the appropriate legislature, no High Court shall have any original jurisdiction in any matter concerning the revenue, or concerning any act ordered or done in the collection thereof according to the usage and practice of the country or the law for the time being in force.

(2) A Bill or amendment for making such provision as aforesaid shall not be introduced into or moved in a Chamber of the Federal or a Provincial Legislature without the previous sanction of the Governor General in his discretion or, as the case may be, of the Governor in his discretion.

Recruitment
and condi-
tions of
service.

241. * * * * *

(4) Notwithstanding anything in this section, but subject to any other provision of this Act, Acts of the appropriate Legislature in India may regulate the conditions of service of persons serving His Majesty in a civil capacity in India, and any rules made under this section shall have effect subject to the provisions of any such Act.

(5) No rules made under this section and no Act of any Legislature in India shall be construed to limit or abridge the power of the Governor General or a Governor to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable :

Provided that, where any such rule or Act is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule or Act.

Power to
extend
functions
of Public
Service
Commissions.

267. Subject to the provisions of this section, an Act of the Federal Legislature or the Provincial Legislature may provide for the exercise of additional functions by the Federal Public Service Commission or, as the case may be, by the Provincial Public Service Commission :

Provided that—

(a) no Bill or amendment for the purposes aforesaid shall be introduced or moved without

the previous sanction of the Governor General in his discretion, or, as the case may be, of the Governor in his discretion ; and

(b) it shall be a term of every such Act that the functions conferred by it shall not be exercisable—

(i) in relation to any person appointed to a service or a post by the Secretary of State or the Secretary of State in Council, any officer in His Majesty's Forces, or any holder of a reserve post, except with the consent of the Secretary of State ;

* * * * *

271. (1) No Bill or amendment to abolish or restrict the protection afforded to certain servants of the Crown in India by section one hundred and ninety-seven of the Indian Code of Criminal Procedure, or by sections eighty to eighty-two of the Indian Code of Civil Procedure, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

Protection
of public
servants
against
prosecution
and suits.

(2) The powers conferred upon a Local Government by the said section one hundred and ninety-seven with respect to the sanctioning of prosecutions and the determination of the Court before which, the person by whom and the manner in which a public servant is to be tried, shall be exercisable only—

(a) in the case of a person employed in connection with the affairs of the Federation, by the Governor General exercising his individual judgment ; and

(b) in the case of a person employed in connection with the affairs of a Province by the Governor of that Province exercising his individual judgment :

Provided that nothing in this sub-section shall be construed as restricting the power of the Federal or a Provincial Legislature to amend the said section by a Bill or amendment introduced or moved with such previous sanction as is mentioned in sub-section (1) of this section.

* * * * *

Courts of
Appeal in
Revenue
matters.

296. (1) No member of the Federal or a Provincial Legislature shall be a member of any tribunal in British India having jurisdiction to entertain appeals or revise decisions in revenue cases.

* * * * *

Compulsory
acquisition
of land, etc.

299. (1) No person shall be deprived of his property in British India save by authority of law.

(2) Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest, in or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, it is to be determined.

(3) No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor General in his discretion, or in a Chamber of the provincial Legislature without the previous sanction of the Governor in his discretion.

(4) Nothing in this section shall affect the provisions of any law in force at the date of the passing of this Act.

(5) In this section "land" includes immovable property of every kind and any rights in or over such property, and "undertaking" includes part of an undertaking.

Legislature.

316. The powers conferred by the provisions of this Act for the time being in force on the Federal Legislature shall be exercisable by the Indian Legislature, and accordingly references in those provisions to the Federal Legislature and Federal Laws shall be construed as references to the Indian Legislature and laws of the Indian Legislature, and references in those provisions to Federal taxes shall be construed as references to taxes imposed by laws of the Indian Legislature :

Provided that nothing in this section shall empower the Indian Legislature to impose limits on the power of the Governor General in Council to borrow money.

SEVENTH SCHEDULE.

LEGISLATIVE LISTS.

LIST I.

FEDERAL LEGISLATIVE LIST.

1. His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for employment in Indian States or military or armed police maintained by Provincial Governments ; any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment ; central intelligence bureau ; preventive detention in British India for reasons of State connected with defence, external affairs, or the discharge of the functions of the Crown in its relations with Indian States.

2. Naval, military and air force works ; local self-government in cantonment areas (not being cantonment areas of Indian State troops), the regulation of house accommodation in such areas, and, within British India, the delimitation of such areas.

3. External affairs ; the implementing of treaties and agreements with other countries ; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

4. Ecclesiastical affairs, including European cemeteries.

5. Currency, coinage and legal tender.

6. Public debt of the Federation.

7. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication ; Post Office Savings Bank.

8. Federal Public Services and Federal Public Service Commission.

9. Federal pensions, that is to say, pensions payable by the Federation or out of Federal revenues.

10. Works, lands and buildings vested in, or in the possession of, His Majesty for the purposes of the Federation (not being naval, military or air force works), but, as regards property situate in a province, subject always to Provincial legislation, save in so far as Federal law otherwise provides, and, as regards property in a Federated State held by virtue of any lease or agreement with that State, subject to the terms of that lease or agreement.

11. The Imperial Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial, and any similar institution controlled or financed by the Federation.

12. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.

13. The Benares Hindu University and the Aligarh Muslim University.

14. The Survey of India, the Geological, Botanical and Zoological Surveys of India ; Federal meteorological organisations.

15. Ancient and historical monuments ; archæological sites and remains.

16. Census.

17. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India, subjects of any Federated State, or British subjects domiciled in the United Kingdom ; pilgrimages to places beyond India.

18. Port quarantine ; seamen's and marine hospitals, and hospitals connected with port quarantine.

19. Import and export across customs frontiers as defined by the Federal Government.

20. Federal railways ; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers : the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

21. Maritime shipping and navigation, including shipping and navigation on tidal waters ; Admiralty jurisdiction.

22. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

23. Fishing and fisheries beyond territorial waters.

24. Aircraft and air navigation ; the provision of aerodromes ; regulation and organisation of air traffic and of aerodromes.

25. Lighthouses, including light-ships, beacons and other provision for the safety of shipping and aircraft.

26. Carriage of passengers and goods by sea or by air.

27. Copyright, inventions, designs, trademarks and merchandise marks.

28. Cheques, bills of exchange, promissory notes and other like instruments.

29. Arms ; firearms ; ammunition.

30. Explosives.

31. Opium, so far as regards cultivation and manufacture, or sale for export.

32. Petroleum and other liquids and substances declared by Federal law to be dangerously inflammable, so far as regards possession, storage and transport.

33. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies, and of corporations, whether trading or not, with objects not confined to one unit.

34. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest.

35. Regulation of labour and safety in mines and oil-fields.

M6LD

36. Regulation of mines and oilfields and mineral development to the extent to which such regulation and development under Federal control is declared by Federal law to be expedient in the public interest.

37. The law of insurance, except as respects insurance undertaken by a Federated State, and the regulation of the conduct of insurance business, except as respects business undertaken by a Federated State ; Government insurance, except so far as undertaken by a Federated State, or, by virtue of any entry in the Provincial Legislative List or the Concurrent Legislative List, by a Province.

38. Banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Federated State and carrying on business only within that State.

39. Extension of the powers and jurisdiction of members of a police force belonging to any part of British India to any area in another Governor's Province or Chief Commissioner's Province, but not so as to enable the police of one part to exercise powers and jurisdiction elsewhere without the consent of the Government of the Province or the Chief Commissioner, as the case may be ; extension of the powers and jurisdiction of members of a police force belonging to any unit to railway areas outside that unit.

40. Elections to the Federal Legislature, subject to the provisions of this Act and of any Order in Council made thereunder.

41. The salaries of the Federal Ministers, of the President and Vice-President of the Council of State and of the Speaker and Deputy Speaker of the Federal Assembly ; the salaries, allowances and privileges of the members of the Federal Legislature ; and, to such extent as is expressly authorised by Part II of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Legislature.

42. Offences against laws with respect to any of the matters in this list.

43. Inquiries and statistics for the purposes of any of the matters in this list.

44. Duties of customs, including export duties.
45. Duties of excise on tobacco and other goods manufactured or produced in India except—
 - (a) alcoholic liquors for human consumption ;
 - (b) opium, Indian hemp and other narcotic drugs and narcotics ; non-narcotic drugs ;
 - (c) medicinal and toilet preparations containing alcohol, or any substance included in subparagraph (b) of this entry.
46. Corporation tax.
47. Salt.
48. State lotteries.
49. Naturalisation.
50. Migration within India from or into a Governor's Province or a Chief Commissioner's Province.
51. Establishment of standards of weight.
52. Ranchi European Mental Hospital.
53. Jurisdiction and powers of all courts, except the Federal Court, with respect to any of the matters in this list and, to such extent as is expressly authorised by Part IX of this Act, the enlargement of the appellate jurisdiction of the Federal Court, and the conferring thereon of supplemental powers.
54. Taxes on income other than agricultural income.
55. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies ; taxes on the capital of companies.
56. Duties in respect of succession to property other than agricultural land.
57. The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts.
58. Terminal taxes on goods or passengers carried by railway or air ; taxes on railway fares and freights.
59. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

LIST II.

PROVINCIAL LEGISLATIVE LIST.

1. Public order (but not including the use of His Majesty's naval, military or air forces in aid of the civil power) ; the administration of justice; constitution and organisation of all courts, except the Federal Court, and fees taken therein ; preventive detention for reasons connected with the maintenance of public order ; persons subjected to such detention.

2. Jurisdiction and powers of all courts except the Federal Court, with respect to any of the matters in this list ; procedure in Rent and Revenue Courts.

3. Police, including railway and village police.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein ; arrangements with other units for the use of prisons and other institutions.

5. Public debt of the Province.

6. Provincial Public Services and Provincial Public Service Commissions.

7. Provincial pensions, that is to say, pensions payable by the Province or out of Provincial revenues.

8. Works, lands and buildings vested in or in the possession of His Majesty for the purposes of the Province.

9. Compulsory acquisition of land.

10. Libraries, museums and other similar institutions controlled or financed by the Province.

11. Elections to the Provincial Legislature, subject to the provisions of this Act and of any Order in Council made thereunder.

12. The salaries of the Provincial Ministers, of the Speaker and Deputy Speaker of the Legislative Assembly, and, if there is a Legislative Council, of the President and Deputy President thereof ; the salaries, allowances and privileges of the members of the Provincial Legislature ; and, to such extent as is expressly authorised by Part III of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Provincial Legislature.

13. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

14. Public health and sanitation ; hospitals and dispensaries ; registration of births and deaths.

15. Pilgrimages, other than pilgrimages to places beyond India.

16. Burials and burial grounds.

17. Education.

18. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I ; minor railways subject to the provisions of List I with respect to such railways, municipal tramways ; ropeways ; inland waterways and traffic thereon subject to the provisions of List III with regard to such waterways ; ports, subject to the provisions in List I with regard to major ports ; vehicles other than mechanically propelled vehicles.

19. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power.

20. Agriculture, including agricultural education and research protection against pests and prevention of plant diseases ; improvement of stock and prevention of animal diseases ; veterinary training and practice ; pounds and the prevention of cattle trespass.

21. Land, that is to say, rights in or over land, land tenures, including the relation of landlord and tenant, and the collection of rents ; transfer, alienation and devolution of agricultural land ; land improvement and agricultural loans ; colonization ; Courts of Wards ; encumbered and attached estates ; treasure trove.

22. Forests.

23. Regulation of mines and oilfields and mineral development subject to the provisions of List I with respect to regulation and development under Federal control.

24. Fisheries.

25. Protection of wild birds and wild animals.

26. Gas and gasworks.

27. Trade and commerce within the Province ; markets and fairs ; money lending and money lenders.

28. Inns and innkeepers.

29. Production, supply and distribution of goods ; development of industries, subject to the provisions in List I with respect to the development of certain industries under Federal control.

30. Adulteration of foodstuffs and other goods ; weights and measures.

31. Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other narcotic drugs, but subject, as respects opium, to the provisions of List I and, as respects poisons and dangerous drugs, to the provisions of List III.

32. Relief of the poor ; unemployment.

33. The incorporation, regulation, and winding-up of corporations other than corporations specified in List I ; unincorporated trading, literary, scientific, religious and other societies and associations ; co-operative societies.

34. Charities and charitable institutions ; charitable and religious endowments.

35. Theatres, dramatic performances and cinemas, but not including the sanction of cinematograph films for exhibition.

36. Betting and gambling.

37. Offences against laws with respect of any of the matters in this list.

38. Inquiries and statistics for the purpose of any of the matters in this list.

39. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenue.

40. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India—

(a) alcoholic liquors for human consumption ;

- (b) opium, Indian hemp and other narcotic drugs and narcotics ; non-narcotic drugs ;
- (c) medicinal and toilet preparations containing alcohol or any substance included in subparagraph (b) of this entry.
- 41. Taxes on agricultural income.
- 42. Taxes on lands and buildings, hearths and windows.
- 43. Duties in respect of succession to agricultural land.
- 44. Taxes on mineral rights, subject to any limitations imposed by any Act of the Federal Legislature relating to mineral development.
- 45. Capitation taxes.
- 46. Taxes on professions, trades, callings and employments.
- 47. Taxes on animals and boats.
- 48. Taxes on the sale of goods and on advertisements.
- 49. Cesses on the entry of goods into a local area for consumption, use or sale therein.
- 50. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.
- 51. The rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.
- 52. Dues on passengers and goods carried on inland waterways.
- 53. Tolls.
- 54. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

LIST III.

CONCURRENT LEGISLATIVE LIST.

PART I.

1. Criminal law, including all matters included in the Indian Penal Code at the date of the passing of this Act, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of His Majesty's naval, military and air forces in aid of the civil power.

2. Criminal Procedure, including all matters included in the Code of Criminal Procedure at the date of the passing of this Act.

3. Removal of prisoners and accused persons from one unit to another unit.

4. Civil Procedure, including the law of Limitation and all matters included in the Code of Civil Procedure at the date of the passing of this Act ; the recovery in a Governor's Province or a Chief Commissioner's Province of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that Province.

5. Evidence and oaths ; recognition of laws, public acts and records and judicial proceedings.

6. Marriage and divorce ; infants and minors ; adoption.

7. Wills, intestacy, and succession, save as regards agricultural land.

8. Transfer of property other than agricultural land ; registration of deeds and documents.

9. Trusts and Trustees.

10. Contracts, including partnership, agency, contracts of carriage, and other special forms of contract, but not including contracts relating to agricultural land.

11. Arbitration.

12. Bankruptcy and insolvency ; administrators-general and official trustees.

13. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

14. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in List I or List II.

15. Jurisdiction and powers of all courts, except the Federal Court, with respect to any of the matters in this list.

16. Legal, medical and other professions.

17. Newspapers, books and printing presses.

18. Lunacy and mental deficiency, including places for the reception of treatment of lunatics and mental deficients.

19. Poisons and dangerous drugs.

20. Mechanically propelled vehicles.

21. Boilers.

22. Prevention of cruelty to animals.

23. European vagrancy ; criminal trihes.

24. Inquiries and statistics for the purpose of any of the matters in this Part of this List.

25. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

PART II.

26. Factories.

27. Welfare of labour ; conditions of labour ; provident funds ; employers' liability and workmen's compensation ; health insurance, including invalidity pensions ; old age pensions.

28. Unemployment insurance.

29. Trade unions ; industrial and labour disputes.

30. The prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting men, animals or plants.

31. Electricity.

32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways ; carriage of passengers and goods on inland waterways.

33. The sanctioning of cinematograph films for exhibition.

34. Persons subjected to preventive detention under Federal authority.

35. Inquiries and statistics for the purpose of any of the matters in this Part of this List.

36. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

Sections of the old and new Acts with corresponding paragraphs in the Manual.

Old Act.		New Act.	
Section of Act.	Paragraph in Manual.	Section of Act.	Paragraph in Manual.
63	64, 91	68 (2)	9
63A (1)	..	99	..
(2)	12, 13	100	..
(3)	138	102	65 (2) (a)
63B } 63C }	Assembly provisions.	103	..
		104	..
		105	..
63D (1)	2, 5	106	..
(2)	3, 4	107 (2)	65 (2) (b)
(3)	17	108 (1)	65 (2) (c)
(4)	53 (2)	109—116	..
(5)	..	119 (1)	65 (2) (d)
63E	9	120 (1) (3)	..
64	..	126 (2)	65 (2) (e)
67 (1)	..	141 (1) (3)	65 (2) (f)
(2)(a)	65 (1)	153	65 (2) (g)
(2A)	69	166 (3)	65 (2) (h)
(3)	106 (1)	170 (3)	65 (2) (h)
(4)	90 (1)	182 (2)	65 (2) (i)

Old Act.		New Act.	
Section of Act.	Paragraph in Manual.	Section of Act.	Paragraph in Manual.
67 (5)	..	192	65 (2) (j)
(6)	113	206 (3)	65 (2) (k)
(7)	51	215	..
67A (1)	135 (1)	218	..
(2) to (7)	Assembly provisions	226 (2)	65 (2) (l)
(8)	..	241 (4) (5)	..
67B	..	267	65 (2)(m)
68	..	271 (1)	65 (2) (n)
69	..	296 (1)	..
93 (1)	10	299 (3)	65 (2) (o)
(2)	11	316	..
129A	..	Seventh Schedule	..

APPENDIX II.

THE INDIAN LEGISLATIVE RULES.*

1. (1) These rules may be called the Indian Legislative Rules. Short title
and Com-
mencement.

(2) They shall come into force on a date to be appointed by the Governor General in Council, with the approval of the Secretary of State in Council.

2. In these rules, unless the context otherwise requires,— Definitions.

“the Act” means the provisions of the Government of India Act, 1935, for the time being in force ;

“Assembly” means the Legislative Assembly ;

“Chamber” means a Chamber of the Indian Legislature ;

“Council” means the Council of State ;

“Finance Member” means the member of the Assembly appointed by the Governor General to perform the functions assigned to the Finance Member under these rules ;

“Gazette” means the Gazette of India ;

“the Government of India Act” means the provisions thereof set out in the Ninth Schedule to the Act, or continued in force by the Government of India (Commencement and Transitory Provisions) Order. 1936 ;

“Member” means a Member of either Chamber ;

“Member of the Government” means a Member of the Governor General’s Executive Council, and includes any member to whom such Member may delegate any function assigned to him under these rules ;

“Resolution” means a motion for the purpose of discussing a matter of general public interest ;

“Standing Order” means a standing order of either Chamber ; and

*Originally published in the Gazette of India Extraordinary, dated 27th September, 1920.

“Secretary” means the Secretary to either Chamber, and include any person for the time being performing the duties of the Secretary.

Temporary
Chairman of
Legislative
Assembly.

3. (1) At the commencement of every session, the President shall nominate from amongst the members of the Assembly a panel of not more than four Chairmen, any one of whom may preside over the Assembly in the absence of the President and Deputy President, when so requested by the President or, in his absence, by the Deputy President.

(2) If at any time the office of President is vacant and there is no person authorised and able to preside over the Assembly, the Governor General shall appoint from amongst its members a Chairman to preside until a President has been duly elected and the approval of the Governor General to the election has been announced to the Assembly.

(3) A Chairman nominated under sub-rule (1) shall hold his office until a new panel of Chairman is nominated.

Power
of
persons
presiding.

4. The Deputy President and any Chairman of the Assembly and any person appointed by the Governor General to preside over the Council in the absence of the President shall, when presiding over the Assembly or the Council, as the case may be, have the same powers as the President when so presiding, and all references to the President in these rules shall, in these circumstances, be deemed to be references to any such person so presiding.

Appointment
of the
Secretary.

5. The Secretary and such assistants of the Secretary as the Governor General considers to be necessary shall be appointed by order in writing by the Governor General and shall hold office during his pleasure.

Election of
President
by the
Assembly.

5A. (1) When, owing to the expiration of the term of office of the appointed President of the Assembly, or the existence of any vacancy in the office of an elected President thereof, the election of a President is necessary, the Governor General shall fix a date for the holding of the election, and the Secretary shall send to every member notice of the date so fixed.

(2) At any time before noon on the day preceding the date so fixed any member may nominate another member for election by delivering to the Secretary a nomination paper signed by himself as proposer and by a third member as seconder and stating—

(a) the name of the member nominated, and

(b) that the proposer has ascertained that such member is willing to serve as President, if elected.

(3) On the date fixed for election the outgoing President, or, if the office of President is vacant, the Deputy President or Chairman, as the case may be, shall read out to the Assembly the names of the members who have been duly nominated, together with those of their proposers and seconders, and, if only one member has been so nominated, shall declare that member to be elected. If more than one member has been so nominated, the Assembly shall proceed to elect a President by ballot.

(4) For the purposes of sub-rule (3), a member shall not be deemed to have been duly nominated or be entitled to vote if he and his proposer and seconder have not, before the reading out of the names by the presiding member, made the oath or affirmation as members of the Assembly.

(5) Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidates, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed, the candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the remaining candidate or than the aggregate votes of the remaining candidates, as the case may be.

(6) Where at any ballot any of three or more candidates obtain an equal number of votes and one of them has to be excluded from the election under sub-rule (5), the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by drawing of lots.

(7) No member who has been elected President and whose election has not been approved by the Governor General shall be nominated as a candidate during the continuance of the same Assembly.

Allotment
of time for
non-official
business and
precedence of
business.

6. The Governor General, after considering the state of business of that Chamber, shall allot so many days as may, in his opinion, be possible compatibly with the public interests for the business of non-official members in that Chamber, and may allot different days for the disposal of different classes of such business, and, on days so allotted for any particular class of business, business for that class shall have precedence. On other days no business other than Government business shall be transacted except with the consent of the Governor General in Council.

Power to
disallow
questions.

7. The President may within the period of notice disallow any question or any part of a question on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council, and, if he does so, the question or part of the question shall not be placed on the list of questions.

Subject-
matter of
questions.

8. (1) Subject to the provisions of these rules a question may be asked for the purpose of obtaining information on a matter of public concern within the special cognizance of the member to whom it is addressed :

Provided that no question shall be asked—

- (i) on any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions ; or
- (ii) save with the consent of the Governor General in his discretion,—
 - (a) on any matter connected with relations between His Majesty or the Governor General in Council and any foreign State or Prince ;
 - (b) on any matter connected with the tribal areas or the administration of any excluded area ;
 - (c) on any action taken in his discretion by the Governor General in relation to the affairs of a Province ;

(d) on any matter connected with any Indian State ; or

(e) on the personal conduct of the Ruler of any Indian State or a member of the ruling family thereof.

(2) If any doubt arises whether any question is or is not within the restrictions imposed by clause (ii) of the proviso to sub-rule (1), the Governor General in his discretion shall decide the point, and his decision shall be final.

8A. In the Assembly—

*Procedure
for questions
in Assembly.*

(i) notice of a question shall be given in writing to the Secretary and shall specify—

(a) the official designation of the member to whom it is addressed, or, if the question is addressed to a non-official member, the name of such member ; and

(b) the date upon which the question is proposed to be placed on the list of questions for answer ;

(ii) unless the President, with the consent of the Member of the Government to whose department the question relates, otherwise directs, no question shall be placed on the list of questions for answer until five clear days have expired from the time when notice of the admission of such question by the President has been given by the Secretary to the member to whom it is addressed ;

(iii) not more than five questions asked by the same member shall be called for answer on any one day ;

(iv) the time available for answering questions shall be allotted on different days in rotation for the answering of questions relating to such department or departments of the Government as the President may, from time to time, provide, and on each such day, unless the President with the consent of the Member of the Government to whose department the question relates otherwise directs, only

questions relating to the department or departments for which time on that day has been allotted, and questions addressed to non-official members, shall be placed on the list of questions for answer ; and

- (v) if any question placed on the list of questions for answer on any day is not called for answer within the time available for answering questions on that day, the member to whom the question is addressed shall forthwith lay upon the table of the Assembly a written reply to the question, and no oral reply shall be required to such question and no supplementary questions shall be asked in respect thereof :

Provided that a member may, by notice given at any time before the meeting for which his question has been placed on the list, withdraw his question, or postpone it to a later day to be specified in the notice, and on such later day the question shall, subject to the provisions of clause (iv), be placed on the list after all questions which have not been so postponed :

Provided further that a postponed question shall not be placed on the list until two clear days have expired from the time when the notice of postponement has been received by the Secretary.

Questions
regarding
controversy
between
authorities.

9. In matters which are or have been the subject of controversy between the Governor General in Council and the Secretary of State or a Provincial Government, no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

Supple-
mentary
questions.

10. Any member may put a supplementary question for the purpose of further elucidating any matter of fact regarding which an answer has been given :

Provided that the President shall disallow any supplementary question if, in his opinion, it infringes the rules as to the subject-matter of questions.

Motions for
adjourn-
ments.

11. (1) Subject to the provisions of sub-rule (2) of rule 22, a motion for an adjournment of the business of either Chamber for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President.

(2) Notice of a motion under sub-rule (1) shall be given before the commencement of the sitting on the day on which the motion is proposed to be made both to the President and to the Member of the Government to whose department the motion relates.

12. The right to move the adjournment of either Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely :—

Restrictions
on power to
make motion.

- (i) not more than one such motion shall be made at the same sitting ;
- (ii) not more than one matter can be discussed on the same motion, and the motion must be restricted to a specific matter of recent occurrence ;
- (iii) the motion must not revive discussion on a matter which has been discussed in the same session ;
- (iv) the motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given ; and
- (v) the motion must not deal with a matter on which a resolution could not be moved, or save with the consent of the Governor General in his discretion with a matter on which a resolution could not, save with such consent, be moved.

13. In the case of the Council the presence of at least fifteen members, and, in the case of the Assembly, the presence of at least twenty-five members, shall be necessary to constitute a meeting of the Council or of the Assembly for the exercise of its powers.

Language of
the Indian
Legislature.

14. The business of the Indian Legislature shall be transacted in English, provided that the President may permit any member unacquainted with English to address the Council in a vernacular.

15. (1) The President shall decide all points of order which may arise, and his decision shall be final.

Decision on
points of
order.

(2) Any member may at any time submit a point of order for the decision of the President, but, in doing so, shall confine himself to stating the point.

Irrelevance
or repetition.

16. The President, after having called the attention of the Chamber to the conduct of a member who persist in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other members in debate, may direct him to discontinue his speech.

Power to
order
withdrawal
of member.

17. (1) The President shall preserve order and have all powers necessary for the purpose of enforcing his decisions on all points of order.

(2) He may direct any member whose conduct is in his opinion grossly disorderly to withdraw immediately from the Chamber, and any member so ordered to withdraw shall do so forthwith and shall absent himself during the remainder of the day's meeting. If any member is ordered to withdraw a second time in the same session, the President may direct the member to absent himself from the meetings of the Chamber for any period not longer than the remainder of the session, and the member so directed shall absent himself accordingly.

(3) The President may, in the case of grave disorder arising in the Chamber, suspend any sitting for a time to be named by him.

Definition of
President's
powers in
regard to
Bills.

17A. Notwithstanding anything contained in rule 15 or rule 17, the President shall not have or exercise any power to prevent or delay the making or discussion of any motion relating to a Bill made by the Member in charge of the Bill or to refuse to put, or delay the putting of, the question on any such motion, unless such power is expressly conferred upon him by, or such motion or discussion or the putting of such question, as the case may be, is expressly prohibited or directly precluded by, any provision of the Act, the Government of India Act, these Rules or the Standing Orders.

Publication
of Bills.

18. The Governor General may order the publication of any Bill (together with the Statement of Objects and Reasons accompanying it) in the Gazette, although no motion has been made for leave to introduce the Bill. In that case it shall not be necessary to move for leave to introduce the Bill, and, if the Bill is afterwards introduced, it shall not be necessary to publish it again.

19. (1) Any member, other than a Member of the Government, desiring to move for leave to introduce a Bill shall give notice of his intention, and, shall, together with the notice, submit a copy of the Bill and a full Statement of Objects and Reasons. Notice of motion for leave to introduce Bills.

(2) If the Bill is a Bill which under the Act or the Government of India Act cannot be introduced without the previous sanction of the Governor General, the member shall annex to the notice a copy of such sanction, and the notice shall not be valid until this requirement is complied with.

(3) If any question arises whether a Bill is or is not a Bill of the nature referred to in sub-rule (2), the question shall be referred to the Governor General, and his decision on the question shall be final.

(4) The period of notice of a motion for leave to introduce a Bill under this rule shall be one month or, if the Governor General so directs, a further period not exceeding in all two months.

19A. (1) If any member desires to move an amendment which under the Act cannot be moved without the previous sanction of the Governor General he shall annex to the notice required by the Standing Orders a copy of such sanction and the notice shall not be valid until this requirement is complied with. Provisions applicable to amendments requiring sanction.

(2) If any question arises whether an amendment is or is not an amendment of the nature referred to in sub-rule (1), the question shall be referred to the Governor General and his decision on the question shall be final.

20. As soon as may be after a Bill has been introduced, the Bill, unless it has already been published, shall be published in the Gazette. Publication.

20A. (1) No motion that a Bill be taken into consideration or be passed shall be made by any member other than the member in charge of the Bill, and no motion that a Bill be referred to a Select Committee or be circulated or re-circulated for the purpose of eliciting opinion thereon shall be made by any member other than the member in charge except by way of amendment to a motion made by the member in charge. Persons by whom motions in respect of Bills may be made.

(2) For the purposes of this rule " member in charge of the Bill " means, in the case of Government Bill, any

member acting on behalf of the Government and, in any other case, the member who has introduced the Bill, or, where the Bill has been laid on the table in the other Chamber, the member who has given notice of his intention to move that the Bill be taken into consideration.

Effect of
certification
by Governor
General.

21. If the Governor General certifies that a Bill or any clause of a Bill or any amendment to a Bill affects the safety or tranquillity of British India or any part thereof, and directs that no proceedings or no further proceedings shall be taken thereon, all notices of motions in connection with the subject-matter of the certificate shall lapse, and if any such motion has not already been set down on the list of business, it shall not be so set down. If any such motion has been set down on the list of business, the President shall, when the motion is reached, inform the Chamber of the Governor General's action, and the Chamber shall forthwith without debate proceed to the next item of business.

Power to
disallow
resolution.

22. (1) The Governor General may, within the period of notice, disallow any resolution or any part of a resolution, on the ground that it cannot be moved without detriment to the public interest, or on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council, and, if he does so, the resolution or part of the resolution shall not be placed on the list of business.

Power to
disallow
motion for
adjournment.

(2) The Governor General at any time after notice has been given of a motion for adjournment under rule 11 may, notwithstanding the consent of the President, or before such consent has been given, take cognizance of such motion and disallow it on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council, and, if he does so the adjournment shall not be permitted by the President, and no further discussion of the motion shall take place.

Restrictions
on subjects
for
discussion.

23. (1) Every resolution shall be in the form of a specific recommendation addressed to the Governor General in Council.

(2) No resolution shall be moved—

- (i) on any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions ; or

(ii) save with the consent of the Governor General in his discretion,—

- (a) on any matter connected with relations between His Majesty or the Governor General in Council and any foreign State or Prince ;
- (b) on any matter connected with the tribal areas or the administration of any excluded area ;
- (c) on any action taken in his discretion by the Governor General in relation to the affairs of a Province ;
- (d) on any matter connected with any Indian State ; or
- (e) on the personal conduct of the Ruler of any Indian State or a member of the ruling family thereof.

(3) The decision of the Governor General in his discretion on the point whether any resolution is or is not within the restrictions imposed by sub-rule (2) shall be final.

24. A copy of every resolution which has been passed by either Chamber shall be forwarded to the Governor General in Council, but any such resolution shall have effect only as a recommendation to the Governor General in Council. Copy to Government.

24A. (1) Save in so far as is otherwise provided by these rules or in any case in which a communication is to be made to the Governor General under any provision of the Act, of the Government of India Act or of these rules no discussion of a matter of general public interest shall take place otherwise than on a resolution moved in accordance with the rules governing the moving of resolutions except with the consent of the President and of the Member of the Government to whose department the motion relates. Discussion of matters of general public interest otherwise than on a resolution.

(2) It shall not be permissible to the President or to the Member of the Government concerned to give his consent to the moving of any motion in regard to any of the subjects in regard to which a resolution cannot be moved and the decision of the Governor General on the point whether any motion is or is not within the restrictions imposed by sub-rule (1) of rule 23 shall be final.

(3) The Governor General may disallow any motion or part of a motion on the ground that it cannot be moved without detriment to the public interest or on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council and if he does so the motion shall not be placed on the list of business.

Bills which have passed originating Chamber.

25. Every Bill which has been passed by the originating Chamber shall be sent to the other Chamber, and copies of the Bill shall be laid on the table at the next following meeting of that Chamber.

Notice.

26. At any time after copies have been laid on the table, any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member may give notice of his intention to move that the Bill be taken into consideration.

Motion for consideration.

27. On the day on which the motion is set down in the list of business which shall, unless the President otherwise directs, be not less than three days from the receipt of the notice, the member giving notice may move that the Bill be taken into consideration.

Discussion.

28. On the day on which such motion is made or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

Reference to Select Committee.

29. Any member may (if the Bill has not already been referred to a Select Committee of the originating Chamber or to a Joint Committee of both Chambers, but not otherwise) move as an amendment that the Bill be referred to a Select Committee, and, if such motion is carried, the Bill shall be referred to a Select Committee, and the standing orders regarding Select Committees on Bills originating in the Chamber shall then apply.

Consideration and passing.

30. If the motion that the Bill be taken into consideration is carried, the Bill shall be taken into consideration, and the provisions of the standing orders of the Chamber regarding consideration of amendments to Bills and the subsequent procedure in regard to the passing of Bills shall apply.

31. If the Bill is passed without amendment and the originating Chamber is the Legislative Assembly, a message shall be sent to the Legislative Assembly intimating that the Council of State have agreed to the Bill without any amendments. If the originating Chamber is the Council of State, the Bill, with a message to the effect that the Legislative Assembly have agreed to the Bill without any amendments, shall be sent to the Council of State.

Bills passed
in either
Chamber
without
amendment.

32. If the Bill is passed with amendments, the Bill shall be returned with a message asking the concurrence of the originating Chamber to the amendments.

Bills passed
in either
Chamber
with
amendment.

33. When a Bill which has been amended in the other Chamber is returned to the originating Chamber, copies of the Bill shall be laid on the table at the next following meeting of that Chamber.

Return of
amended
Bills to
originating
Chamber.

34. After an amended Bill has been laid on the table, any member acting on behalf of Government in the case of a Government Bill or, in any other case, any member after giving three days' notice, or with the consent of the President without notice, may move that the amendments be taken into consideration.

Appoint-
ment of time
for considera-
tion of
amendments.

35. (1) If a motion that the amendments be taken into consideration is carried, the President shall put the amendments to the Chamber in such manner as he thinks most convenient for their consideration.

Procedure
on considera-
tion of
amendment.

(2) Further amendments relevant to the subject-matter of the amendments made by the other Chamber may be moved, but no further amendment shall be moved to the Bill, unless it is consequential upon, or an alternative to, an amendment made by the other Chamber.

36. (1) If the Chamber agrees to the amendments made by the other Chamber, a message intimating its agreement shall be sent to that Chamber.

Procedure
consequent
on considera-
tion of
amendments.

(2) If the Chamber disagrees with the amendments made by the other Chamber or any of them, the Bill, with a message intimating its disagreement, shall be sent to that Chamber.

(3) If the Chamber agrees to the amendments or any of them with further amendments or proposes further amendments in place of amendments made by the other Chamber, the Bill as further amended with a message to that effect shall be sent to the other Chamber.

(4) The other Chamber may either agree to the Bill as originally passed in the originating Chamber or as further amended by that Chamber, as the case may be, or may return the Bill with a message that it insists on an amendment or amendments to which the originating Chamber has disagreed.

(5) If a Bill is returned with a message intimating that the other Chamber insists on amendments to which the originating Chamber is unable to agree, that Chamber may either—

- (i) report the fact of the disagreement to the Governor General, or
- (ii) allow the Bill to lapse.

Power to
re-introduce
Bills.

36A. (1) Where—

- (a) a dilatory motion has been carried in either Chamber in respect of a Government Bill, or
- (b) either Chamber refuses to take into consideration or to refer to a Select Committee or to pass any Government Bill,

and thereafter the Governor General recommends that the Bill be passed in a particular form, a motion may be made in either Chamber for leave to introduce the Bill in that form, and, where such recommendation has been made in the case referred to in clause (a), the Bill in respect of which the dilatory motion has been made shall be deemed to have been withdrawn.

(2) Where a Bill has been introduced after a recommendation under sub-rule (1) any motion may, subject to the provisions of these rules, be made in respect of the Bill in either Chamber, notwithstanding that such motion raises a question substantially identical with one on which the Chamber has already given a decision in the same session.

(3) For the purposes of this rule and of rule 36B, “a dilatory motion” means a motion that a Bill be referred to a Select Committee or that it be circulated for the purpose of eliciting opinion thereon or any other motion the effect of the carrying of which will be to delay the passage of a Bill.

36B. (1) A recommendation or certification in respect of any Bill by the Governor General under section 67B of the Government of India Act may be made by message, and shall be communicated to the Chamber by the President and shall be endorsed on the Bill.

Procedure
on recom-
mendation
and certifi-
cation of
Bill by
Governor
General.

(2) No dilatory motion shall be made in connection with a Bill in respect of which a recommendation has been made (hereinafter referred to as a recommended Bill) without the consent of the member in charge of the Bill and, if any such motion has been made but has not been carried prior to the communication to the Chamber of the recommendation, such motion shall not be put to the Chamber.

(3) Where during the passage of a Bill in either Chamber the Governor General makes a recommendation in respect thereof, and any clause of the Bill has been agreed to, or any amendment has been made, in a form inconsistent with the form recommended, the member in charge of the Bill may move any amendment which, if accepted, would bring the Bill into the form recommended.

(4) Where the Governor General has certified that the passage of a Bill in a particular form which he has recommended is essential for the safety, tranquillity or interests of British India, or any part thereof, and the Bill has been laid before the other Chamber under clause (b) of subsection (1) of section 67B of the Government of India Act, the provisions of rules 26 to 28 and 30 shall apply as if the Bill had been passed by the other Chamber in the form recommended and had been laid before the Chamber under rule 25.

(5) Where either Chamber refuses to take a recommended Bill into consideration, or makes any alteration therein which is inconsistent with the form recommended or refuses to agree to any alteration or amendment which, if accepted, would bring the Bill into the form recommended, the President shall, if so requested by the member in charge of the Bill, endorse on the Bill a certificate to the effect that the Chamber has failed to pass the Bill in the form recommended.

(6) Subject to the provisions of this rule and of rule 36A, the ordinary procedure of the Chamber in regard to Bills shall, so far as may be, apply in regard to recommended Bills.

(2) The Finance Member shall have a general right of reply at the end of the discussion.

(3) The President may, if he thinks fit, prescribe a time-limit for speeches.

Voting of
grants.

47. (1) Not more than fifteen days shall be allotted by the Governor General for the discussion of the demands of the Governor General in Council for grants.

(2) Of the days so allotted, not more than two days shall be allotted by the Governor General to the discussion of any one demand. As soon as the maximum limit of time for discussion is reached, the President shall forthwith put every question necessary to dispose of the demand under discussion.

(3) On the last day of the allotted days at five o'clock the President shall forthwith put every question necessary to dispose of all the outstanding matters in connection with the demands for grants.

Motions at
this stage.

48. (1) No motion for appropriation can be made except on the recommendation of the Governor General communicated to the Assembly.

(2) Motions may be moved at this stage to reduce any grant, but not to increase or alter the destination of a grant.

(3) When several motions relating to the same demand are offered, they shall be discussed in the order in which the heads to which they relate appear in the Budget.

Presentation
of Budget
in parts.

48A. Nothing hereinbefore contained shall be deemed to prevent the presentation of the Budget to each Chamber in two or more parts and when such presentation takes place, each part shall be dealt with in accordance with the foregoing rules as if it were the Budget.

Excess grant.

49. When money has been spent on any service for which the vote of the Assembly is necessary during any financial year in excess of the amount granted for that service and for that year, a demand for the excess shall be presented to the Assembly by the Finance Member, and shall be dealt with in the same way by the Assembly as if it were a demand for a grant.

50. (1) An estimate shall be presented to the Assembly for a supplementary or additional grant when—

Supplemen-
tary or
additional
grants.

(i) the amount voted in the Budget of a grant is found to be insufficient for the purposes of the current year, or

(ii) a need arises during the current year for expenditure for which the vote of the Assembly is necessary upon some new service not contemplated in the Budget for that year :

Provided that when funds to meet proposed expenditure on a new service can be made available by re-appropriation a demand for the grant of a token sum may be submitted to the vote of the Assembly and if the Assembly assents to the demand, funds may be so made available.

(2) An estimate may be presented to the Assembly for an additional or supplementary grant in respect of any demand to which the Assembly has previously refused its assent, or the amount of which the Assembly has reduced.

(3) Supplementary or additional estimates shall be dealt with in the same way by the Assembly, as if they were demands for grants.

51. (1) As soon as may be after the commencement of the first session of each Assembly, a Committee on Public Accounts shall, subject to the provisions of this rule, be constituted for the duration of the Assembly for the purpose of dealing with the appropriation accounts of the Governor General in Council and the report of the audit officer thereon and such other matters as the Finance Department may refer to the Committee.

Constitution
of Committee
on Public
Accounts.

(2) The Committee on Public Accounts shall consist of not more than twelve members including the Chairman, of whom not less than two-thirds shall be elected by the non-official members of the Assembly according to the principle of proportionate representation by means of the single transferable vote. The remaining members shall be nominated by the Governor General.

(3) Casual vacancies in the committee shall be filled as soon as possible after they occur, by election or nomination in the manner aforesaid according as the member who has vacated his seat was an elected or nominated member, and any person so elected or nominated shall hold

office for the period for which the person in whose place he is elected or nominated would, under the provisions of this rule, have held office.

(4) Of the members elected at the time of the constitution of the Committee not less than one-half, who shall be selected by lot, shall retire on the expiry of one year from the date of their election and the remainder shall retire on the expiry of the second year from that date. The vacancies thus created in each year shall be filled as they arise by elections held in the manner aforesaid and the members so retiring shall be eligible for re-election.

(5) The Finance Member shall be Chairman of the Committee, and, in the case of an equality of votes on any matter, shall have a second or casting vote.

(6) When the duration of the Legislative Assembly is extended beyond the period of three years fixed by section 63D (1) of the Government of India Act a new Committee on Public Accounts shall be constituted at the end of the said period of three years as if a new Assembly had commenced and shall be subject to all the foregoing provisions of this rule relating to the constitution of the Committee, the filling of vacancies thereon and the appointment of a Chairman.

Control of
Committee
on Public
Accounts.

52. (1) In scrutinising the Appropriation Accounts of the Governor General in Council and the report of the Auditor General thereon, it shall be the duty of the Public Accounts Committee to satisfy itself—

- (a) that the moneys shown in the accounts as having been disbursed were legally available for and applicable to the service or purpose to which they have been applied or charged ;
- (b) that the expenditure conforms to the authority which governs it ; and
- (c) that every re-appropriation has been made in accordance with such rules as may be prescribed by the Finance Department.

(2) It shall also be a duty of the Public Accounts Committee—

- (a) to examine such trading, manufacturing and profit and loss accounts and balance sheets as the Governor General may have required to be prepared, and the Auditor General's report thereon ; and

- (b) to consider the report of the Auditor General in cases where the Governor General may have required him to conduct an audit of any receipts or to examine the accounts of stores and stock.

(2) It shall be the duty of the Committee to bring to the notice of the Assembly—

- (i) every re-appropriation from one grant to another grant ;
- (ii) every re-appropriation within a grant which is not made in accordance with such rules as may be prescribed by the Finance Department ; and
- (iii) all expenditure which the Finance Department has requested should be brought to the notice of the Assembly.

53. Communications from the Governor General to the Indian Legislature shall be made to the President of the Chamber concerned by written message, or, if the Governor General is absent from the headquarters of the Government, by telegraphic message the authenticity of which shall be certified to the President under signature of the Member of the Government whose department is concerned.

Communications from the Governor General.

Rules with corresponding paragraphs in the Manual.

Rule.	Paragraph in Manual.	Rule.	Paragraph in Manual.
1	..	19	67
2	..	19A	68
3	..	20	71
4	14	20A	74
5	15	21	69
6	18	22 (1)	119
7	27	(2)	44
8	28	23	120
8A	Assembly Rule.	24	133
9	29	24A	134
10	36	25	92
11	38	26	93
12	39	27	94
13	45	28	95
14	50	29	96
15	58	30	97
16	59	31	98
17	60	32	99
17A	61	33	100
18	66	34	101

Rule.	Paragraph in Manual.	Rule.	Paragraph in Manual.
35	102	44	Assembly Rules.
36	103	45	
36A	104	46	
36B	105	47	
36C	88	48	
37	106 (2)	48A	135(2)
38	107	49	..
39	108	50	Assembly Rules.
40	109	51	
41	110	52	
42	111	53	138
43	135(1)		

APPENDIX III.

STANDING ORDERS OF THE COUNCIL OF STATE.*

1. These standing orders may be called the Council Short title.
of State Standing Orders.

2. In these standing orders, unless the context other- Definitions.
wise requires,—

“ Assembly ” means the Legislative Assembly ;

“ Chairman of the Council ” means any person
appointed under section 63A of the Govern-
ment of India Act to preside over the Council
in the absence of the President ;

“ Chamber ” means a Chamber of the Indian Legis-
lature ;

“ Council ” means the Council of State ;

“ Gazette ” means the Gazette of India ;

“ member ” means a member of the Council ;

“ Member of the Government ” means a Member
of the Governor General’s Executive Council,
and includes any member to whom such Mem-
ber delegate any function assigned to him under
the rules or standing orders ;

“ notification ” means a notification in the Gazette ;

“ President ” includes any Chairman of the Council
for the time being presiding over the Council ;

“ resolution ” means a motion for the purpose
of discussing a matter of general public
interest ;

“ rules ” means the Indian Legislative Rules
made under section 67 of the Government of
India Act ; and

* The first Standing Orders were made by the Governor General in Council under section 67 (6) of the Government of India Act and were published in the Gazette of India, dated 18th December, 1920. They have since been amended by the Council of State under the same section, as to which see Appendix I, *supra*.

“ Secretary ” means the Secretary of the Council, and includes any person for the time being authorised by the Secretary, subject to the control of the President, to perform all or any of the duties of the Secretary.

I.—Sessions of the Council, arrangement of Business and giving of Notices.

Summoning
of Council.

3. (1) The Governor General shall by notification appoint the date and place for a session of the Council.

(2) The Secretary shall issue a summons to each member for the date and place so appointed.

(3) After the commencement of a session, the Council shall sit on such days as the President, having regard to the state of business of the Council, may from time to time direct.

Termination
of session.

4. On the termination of a session—

(1) all pending notices shall lapse, and fresh notice must be given for the next session ;

(2) Bills which have been introduced shall be carried over to the pending list of business of the next session ;

Provided that, if the member in charge of a Bill makes no motion in regard to the same during two complete sessions the Bill shall lapse, unless the Council, on a motion by that member in the next session, makes a special order for the continuance of the Bill.

Time of
meeting.

5. The meetings of the Council shall (subject to the direction of the Governor General) ordinarily commence at 11 A.M. and ordinarily terminate at 4 P.M.

Arrangement
of business.

6. (1) At times when Government business has precedence, the Secretary shall arrange that business in such order as the Governor General in Council may direct.

(2) The relative precedence of notices of Bills and resolutions given by non-official members shall be determined by ballot in accordance with the procedure set out in Schedule I :

Provided that the President may, from time to time, make such variations in the said procedure as he may consider necessary or convenient.

(3) Bills introduced by non-official members shall be arranged in such order as to give priority to the Bills most advanced, that is to say, in the following order, namely :—

- (i) Bills which have reached a stage at which the next motion is a motion that the Bill be passed ;
- (ii) Bills which have reached a stage at which the next motion is a motion that the Bill be taken into consideration ;
- (iii) Bills in regard to which the next stage is the presentation of the report of the Select Committee.

(4) The relative precedence of other non-official Bills which have been introduced but which have not been proceeded with as far as any of the stages set out above shall be determined by ballot to be held at such time and in such manner as the President may determine :

Provided that any such Bills remaining over from the last session shall have priority in the order of the date of their introduction.

7. (1) A list of business for the day shall be prepared by the Secretary, and a copy thereof shall be made available for the use of every member. List of business.

(2) Save as otherwise provided in the rules or these standing orders, no business not included in the list of business for the day shall be transacted at any meeting without the leave of the President.

(3) No business requiring notice shall be set down for a day earlier than the day after that on which the period of the notice necessary for that class of business expires.

8. All business appointed for any day and not disposed of on that day shall stand over until the next day of the session available for business of the class to which it belongs, or until such other day in the session so available as the member in charge may desire, but non-official business so standing over shall have no priority on such day unless it has been commenced, in which case it shall only have priority over non-official business fixed for that day. Business outstanding at end of day.

9. The first hour of every meeting shall be available for the asking and answering of questions. Time for questions.

Giving of
notice by
members.

10. (1) Every notice required by the rules or these standing orders shall be given in writing addressed to the Secretary and signed by the member giving notice, and shall be left at the Notice office which shall be open for this purpose between the hours of 11 A.M. and 3 P.M. on every day, except Sunday or a public holiday.

(2) Notices left when the office is closed shall be treated as given on the next open day.

Giving of
notice to
members.

11. (1) The Secretary shall make every effort to circulate to each member a copy of every notice or other paper which is, by these standing orders, required to be made available for the use of members.

(2) A notice or other paper shall be deemed to have been made available for the use of every member if a copy thereof is deposited in such manner and in such place as the President may, from time to time, direct.

II.—*Questions.*

Notice of
questions.

12. Unless the President with the consent of the Member of the Government whose department is concerned otherwise directs not less than ten clear days' notice of a question shall be given.

Matters to
which
questions
must relate.

13. (1) A question addressed to a Member of the Government must relate to the public affairs with which he is officially connected, or to a matter of administration for which he is responsible.

(2) A question addressed to a non-official member must relate to some Bill, resolution or other matter connected with the business of the Council for which that member is responsible.

Form and
contents of
questions.

14. In order that a question may be admissible, it must satisfy the following conditions, namely :—

- (1) it shall not bring in any name or statement not strictly necessary to make the question intelligible ;
- (2) if it contains a statement by the member himself, he shall make himself responsible for the accuracy of the statement ;
- (3) it shall not contain arguments, inferences, ironical expressions or defamatory statements ;

- (4) it shall not ask for an expression of opinion or the solution of a hypothetical proposition ;
- (5) it may not be asked as to the character or conduct of any person except in his official or public capacity ; and
- (6) it shall not be of excessive length.

15. The President shall decide whether a question is President to or is not admissible under these standing orders, and may decide disallow any question when in his opinion it is an abuse of questions. of the right of questioning or calculated to obstruct or prejudicially affect the procedure of the Council, or is in contravention of these standing orders, and shall disallow any question if it infringes the rules as to the subject-matter of questions.

16. Questions, which have not been disallowed, shall List of be entered in the list of questions for the day and shall be questions. called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting.

17. Questions shall be put and answers given in such Questions manner as the President may, in his discretion, determine. how put.

18. If on a question being called it is not put or the member in whose name it stands is absent, the President Answers to at the request of any member, may direct that the answer withdrawn questions. to it be given.

19. No discussion shall be permitted in respect of any question or of any answer given to a question. Prohibition of discussion on questions or answers.

III.—*Motions for Adjournment for purposes of Debate.*

20. Leave to make a motion for an adjournment of Time of the business of the Council for the purpose of discussing asking leave a definite matter of urgent public importance must be for motion asked for after questions and before the list of business for adjournment. the day is entered upon.

21. The member asking for leave must, before the Method of commencement of the sitting of the day, leave with the asking leave. Secretary a written statement of the matter proposed to be discussed.

Procedure to
be followed.

22. If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Council and ask whether the member has the leave of the Council to move the adjournment. If objection is taken, the President shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifteen members rise accordingly, the President shall intimate that leave is granted and that the motion will be taken at 4 P.M. or, if the President with the consent of the Member of Government concerned so directs, at any earlier hour at which the business of the day may terminate. If less than fifteen members rise, the President shall inform the member that he has not the leave of the Council.

Limitation
of time of
discussion.

23. (1) On a motion to adjourn for the purpose of discussing a definite matter of urgent public importance the only question that may be put shall be "That the Council do now adjourn": provided that if the debate is not concluded within two hours, it shall automatically terminate and no question shall be put.

(2) No speech during the debate shall exceed fifteen minutes in duration.

IV.—General Rules of Procedure.

Adjourn-
ment for
failure of
quorum.

24. (1) If the President on a count, taken either on his own motion or on the demand of a member, at any time during a meeting ascertains that fifteen members are not present, he shall adjourn the Council till the next day on which it ordinarily sits.

(2) Nothing in sub-order (1) shall be deemed to require the President to take a count where he is of opinion that the demand therefor was made frivolously or for the purpose of obstructing or prejudicially affecting the procedure of the Council.

Seating of
members.

25. The members shall sit in such order as the President may appoint.

Members to
rise when
speaking.

26. A member desiring to make any observations on any matter before the Council shall speak from his place, shall rise when he speaks, and shall address the President. At any time if the President rises, any member speaking shall resume his seat.

27. When, for the purposes of explanation during discussion or for any other sufficient reason, any member has occasion to ask a question of another member on any matter then under the consideration of the Council, he shall ask the question through the President.

28. (1) The matter of every speech shall be strictly relevant to the matter before the Council.

(2) A member while speaking shall not—

- (i) refer to any matter of fact on which a judicial decision is pending ;
- (ii) make a personal charge against a member ;
- (iii) make use of offensive expressions regarding the conduct of the Indian or any local Legislature ;
- (iv) reflect upon the conduct of His Majesty the King or the Governor General or any Governor (as distinct from the Governments of which they are respectively the heads) or any Court of Law in the exercise of its judicial functions ;
- (v) utter treasonable, seditious or defamatory words ; or
- (vi) use his right of speech for the purpose of wilfully and persistently obstructing the business of the Council.

29. (1) A matter requiring the decision of the Council shall be brought forward by means of a question put by the President on a motion proposed by a member.

(2) Votes may be taken by voices or division, and shall be taken by division if any member so desires. The President shall determine the method of taking votes by division.

(3) The result of a division shall be announced by the President and shall not be challenged.

30. A motion must not raise a question substantially identical with one on which the Council has given a decision in the same session.

31. (1) After the member who moves has spoken, other members may speak to the motion in such order as the President may call upon them. If any member

who is so called upon does not speak, he shall not be entitled, except by the permission of the President, to speak to the motion at any later stage of the debate.

(2) Except in the exercise of a right of reply or as otherwise provided by the rules or these standing orders, no member shall speak more than once to any motion except, with the permission of the President, for the purpose of making a personal explanation, but, in that case, no debatable matter may be brought forward.

(3) A member who has moved a motion may speak again by way of reply, and if the motion is moved by a non-official member, the Member of the Government to whose department the matter relates shall have the right of speaking (whether he has previously spoken in the debate or not) after the mover has replied.

(4) The President may in all cases address the Council before putting a question to the vote.

Rules as to
amend-
ments.

32. (1) An amendment must be relevant to, and within the scope of, the motion to which it is proposed,

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) An amendment on a question must not be inconsistent with a previous decision on the same question given at the same stage of any Bill or other matter.

(4) The President may refuse to put an amendment which is in his opinion frivolous.

Closure.

33. (1) At any time after a motion has been made, any member may move "That the question be now put" and, unless it appears to the President that the motion is an abuse of the rules or these standing orders, or an infringement of the right of reasonable debate, the President shall then put the motion "That the question be now put", and, if that motion is carried, the President shall put the question without amendment or debate.

(2) At any time after a motion has been made in respect of a Bill promoted by a Member of the Government, that Member may request the President to put the question, and, unless it appears to the President that the request is an abuse of the rules or these standing orders, or an infringement of the right of reasonable debate, the President shall then put the question without amendment or debate.

34. The admission to the Council Chamber of—

Strangers.

- (1) visitors to the Visitors' gallery,
- (2) representatives of the Press to the Press gallery and
- (3) officials to the Official gallery,

during the sittings of the Council shall be regulated in accordance with orders made by the President with the approval of the Governor General.

35. The President, whenever he thinks fit, may order the Visitors' or Press gallery to be cleared.

Power to order withdrawal of strangers.

V.—*Introduction of Bills.*

36. If a motion for leave to introduce a Bill is opposed, the President, after permitting, if he thinks fit, a brief explanatory statement from the member who moves and from the member who opposes the motion, may without further debate put the question.

Motion for leave to introduce.

VI.—*Motions after Introduction.*

37. (1) When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely :—

Motions after introduction.

- (a) that it be taken into consideration by the Council either at once or at some future day to be then specified ; or
- (b) that it be referred to a Select Committee ; or
- (c) that it be circulated for the purpose of eliciting opinion thereon :

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the motion to be made.

(2) A motion recommending that a Bill should be committed to a Joint Committee of both Chambers may be moved at any stage at which a motion for the reference of the Bill to a Select Committee may be moved.

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Discussion
of principle
of Bills.

38. (1) On the day on which any such motion is made, or on any subsequent day to which the discussion thereof is postponed, the principle of the Bill and its general provisions may be discussed, but the details of the Bill must not be discussed further than is necessary to explain its principle.

(2) At this stage no amendments to the Bill may be moved, but—

(a) if the member in charge moves that his Bill be taken into consideration, any member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion, or

(b) if the member in charge moves that his Bill be referred to a Select Committee, any member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.

(3) Where a motion that a Bill be circulated for the purpose of eliciting opinion thereon is carried, and the Bill is circulated in accordance with that direction and opinions are received thereon, the member in charge, if he wishes to proceed with his Bill thereafter, must move that the Bill be referred to a Select Committee, unless the President, in the exercise of his power to suspend this standing order, allows a motion to be made that the Bill be taken into consideration.

VII.—*Select Committees.*

Composition
of Select
Committees.

39. (1) The Member of the Government to whose department the Bill relates, the member who introduced the Bill and the Law Member of the Governor General's Executive Council, if he is a member of the Council, shall be members of every Select Committee, and it shall not be necessary to include their names in any motion for appointment of such a Committee.

(2) The other members of the Committee shall be appointed by the Council when the motion that the Bill be referred is made, or in the case of a motion made by way of an amendment under clause (a) of sub-order (2) of Standing Order 38 at any subsequent meeting :

Provided that, if the Law Member is not a member of the Council, one of the Chairmen of the Council shall be appointed a member of the Committee.

(3) The Law Member or, if the Law Member is not a member of the Council, a Chairman of the Council shall be Chairman of the Committee, and if two or more Chairmen of the Council are members of the Committee, then the person whose name appears first in the panel of such Chairmen shall be Chairman of the Committee. In the case of an equality of votes, the Chairman shall have a second or casting vote.

(4) A Select Committee may hear expert evidence and representatives of special interests affected by the measure before them.

(5) Where the Law Member or the Member of the Governor General's Executive Council in charge of the department to which the Bill relates is not a member of the Council, he shall have the right of attending at, and taking part in the deliberations of, meetings of the Select Committee, but shall not be a member of the Committee.

39A. (1) At the time of the appointment of a Select Committee, the number of persons whose presence shall be necessary to constitute a quorum of the Committee shall be fixed by the Council. Quorum of
Select
Committees.

(2) If, at the time fixed for any meeting of a Select Committee or at any time during such meeting, a quorum is not present, the Chairman of the Committee shall either adjourn it forthwith to a future day, or shall defer the commencement, or suspend the proceedings of the meeting for such period in the same day as he may deem reasonable, and, if at the expiry of such period a quorum is not present, he shall adjourn the Committee to a future day.

(3) Where a Select Committee has been adjourned in pursuance of sub-order (2) on three successive days fixed for meetings of the Committee, the Chairman of the Committee shall stay further proceedings, and shall report the reason for so doing to the Council.

40. (1) After publication in the Gazette of a Bill as required by the rules, the Select Committee to which the Bill has been referred shall make a report thereon. Reports by
Select
Committee.

(2) Such report shall be made not sooner than three months from the date of the first publication of the Bill in the Gazette, unless the Council orders the report to be made sooner :

Provided that the time-limit referred to in this sub-rule shall not apply in the case of Bills imposing taxation.

(3) Reports may be either preliminary or final.

(4) The Select Committee shall in their report state whether or not, in their judgment, the Bill has been so altered as to require re-publication, whether the publication directed by the rules has taken place, and the date on which the publication has taken place.

(5) If any member of a Select Committee desires to record a minute of dissent on any point, he must sign the report, stating that he does so subject to his minute of dissent, and must at the same time hand in his minute.

Presentation
of report.

41. (1) The report of the Select Committee on a Bill shall be presented to the Council by the member in charge of the Bill.

(2) In presenting a report the member in charge shall, if he makes any remarks, confine himself to a brief statement of fact, but there shall be no debate at this stage.

Printing and
publication
of reports.

42. (1) The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every member of the Council. The report, with the amended Bill, shall be published in the Gazette.

(2) If any member is unacquainted with English, the Secretary shall also, if requested, cause the report to be translated for his use into such vernacular language as the President may direct.

Procedure
after
presentation
of report.

43. (1) After the presentation of the final report of a Select Committee on a Bill, the member in charge may move—

(a) that the Bill as reported by the Select Committee be taken into consideration :

Provided that any member of the Council may object to its being so taken into consideration if a copy of the report has not been made available for the use of member for seven days, and such objection shall, prevail unless

the President, in the exercise of his power to suspend this standing order, allows the report to be taken into consideration ; or

- (b) that the Bill as reported by the Select Committee be re-committed either—
 - (i) without limitation, or
 - (ii) with respect to particular clauses or amendments only, or
 - (iii) with instructions to the Select Committee to make some particular or additional provision in the Bill ; or
- (c) that the Bill as reported by the Select Committee be re-circulated for the purpose of obtaining further opinion thereon.

(2) If the member in charge moves that the Bill be taken into consideration, any member may move as an amendment that the Bill be re-committed or re-circulated for the purpose of obtaining further opinion thereon.

VIII.—*Consideration, Amendment and Passing of Bills.*

44. When a motion that a Bill be taken into consideration has been carried, any member may propose an amendment of the Bill. Proposal of amendments.

45. (1) If notice of a proposed amendment has not been given two clear days before the day on which the Bill is to be considered, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the amendment to be moved. Notice of amendments.

(2) The Secretary shall, if time permits, cause every notice of a proposed amendment to be printed, and a copy thereof to be made available for the use of every member.

(3) If any member present is unacquainted with English, the Secretary shall also, if requested, cause every such notice to be translated for his use into such vernacular language as the President may direct.

46. Amendments shall ordinarily be considered in the order of the clauses of the Bill to which they respectively relate ; and in respect of any such clause a motion shall be deemed to have been made “ That this clause stand part of the Bill ”. Order of amendments.

Submission
of Bills
clause by
clause.

47. Notwithstanding anything in these standing orders it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill, or any part of the Bill, to the Council clause by clause. When this procedure is adopted, the President shall call each clause separately, and, when the amendments relating to it have been dealt with, shall put the question: "That this clause (*or, as the case may be, that this clause as amended*) stand part of the Bill".

Passing of
Bills.

48. (1) When a motion that a Bill be taken into consideration has been carried and no amendment of the Bill is made, the member in charge may at once move that the Bill be passed.

(2) If any amendment of the Bill is made, any member may object to any motion being made, on the same day, that the Bill be passed, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the motion to be made.

(3) Where the objection prevails a motion that the Bill be passed may be brought forward on any future day.

(4) To such a motion no amendment may be moved which is not either formal or consequential upon an amendment made after the Bill was taken into consideration.

Withdrawal
of Bills.

49. The member who has introduced a Bill may at any stage of the Bill move for leave to withdraw the Bill; and if such leave is granted, no further motion may be made with reference to the Bill.

Authentica-
tion of Bills.

50. When a Bill is passed by the Council, a copy thereof shall be signed by the President.

Submission
of Bills to
Governor
General.

51. When a Bill has been passed by both Chambers a copy thereof shall, in all cases, be submitted to the Governor General by the Secretary.

Re. consider-
ation by the
Council of
Bills passed
by both
Chambers.

52. When a Bill which has been passed by both Chambers is returned by the Governor General for reconsideration by the Council, the point or points referred for reconsideration shall be put before the Council by the President, and shall be discussed and voted upon the same manner as amendments to a Bill, or in such other way as the President may consider most convenient for their consideration by the Council.

IX.—*Amendment of Standing Orders.*

53. (1) Unless the President otherwise directs, not less than ten clear days' notice of a motion for leave to amend the standing orders shall be given and the notice shall be accompanied by a draft of the proposed amendments. Notice of proposal to amend standing orders.

(2) The motion shall be set down for such day as the President may direct.

54. When the motion is reached, the President shall read the draft amendments and ask whether the member has the leave of the Council. If objection is taken, the President shall request those members who are in favour of leave being granted to rise in their places, and if not less than fifteen members rise accordingly, the President shall intimate that the member has the leave of the Council. If less than fifteen members rise, the President shall inform the member that he has not the leave of the Council. Procedure.

55. (1) Where a member has the leave of the Council to proceed, he shall move that the draft amendments be referred to a Select Committee. Reference to Select Committee.

(2) If that motion is carried, the draft amendments shall be referred to a Select Committee of which the President shall be Chairman, and one of the Chairmen of the Council to be nominated by the President shall be a member. The remaining members, who shall be seven in number, shall be selected by the Council by means of the single transferable vote in accordance with the regulations framed in this behalf by the President.

56. After a draft has been referred to a Select Committee, the procedure in regard to Bills similarly committed shall, as far as may be, be followed, with such variations as the President may consider necessary or convenient. Subsequent procedure.

X.—*Resolutions.*

57. A member, who wishes to move a resolution, shall give fifteen clear days' notice of his intention and shall, together with the notice, submit a copy of the resolution which he wishes to move : Notice of resolutions.

Provided that the President, with the consent of the Member of the Government to whose department the resolution relates, may allow it to be entered on the list of business with shorter notice than fifteen days.

Form and
contents of
resolutions.

58. Subject to the restrictions contained in the rules and to the provisions of these standing orders, any member may move a resolution relating to a matter of general public interest :

Provided that no resolution shall be admissible which does not comply with the following conditions, namely :—

- (a) it shall be clearly and precisely expressed and shall raise substantially one definite issue ; and
- (b) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

Admissibility
of resolu-
tions.

59. The President shall decide on the admissibility of a resolution and may disallow any resolution when in his opinion it does not comply with these standing orders, and shall disallow any resolution if it infringes the rules as to the subject-matter of resolutions.

Motion and
withdrawal
of resolu-
tions.

60. (1) A member in whose name a resolution stands on the list of business shall, when called on, either—

- (a) withdraw the resolution, in which case he shall confine himself to a mere statement to that effect ; or
- (b) move the resolution, in which case he shall commence his speech by a formal motion in the terms appearing on the list of business :

Provided that the member may, with the permission of the President, authorise any other member in whose name the same resolution stands lower in the list of business to move it on his behalf, and the member so authorised may move accordingly.

(2) If the member when called on is absent, the resolution standing in his name shall be deemed to have been withdrawn.

61. No speech on a resolution, except with the permission of the President, shall exceed fifteen minutes in duration : Duration of speeches.

Provided that the mover of a resolution, when moving the same, and the Member of the Government to whose department the resolution relates, when speaking for the first time, may speak for thirty minutes.

62. The discussion of a resolution shall be strictly limited to the subject of the resolution. Limits of discussion.

63. After a resolution has been moved, any member may, subject to the rules and standing orders relating to resolutions, move an amendment to the resolution. Amendments.

64. (1) If notice of such amendment has not been given two clear days before the day on which the resolution is moved, any member may object to the moving of the amendment, and such objection shall prevail, unless the President, in the exercise of his power to suspend this standing order, allows the amendment to be moved. Notice of amendments.

(2) The Secretary shall, if time permits, cause every amendment to be printed, and a copy thereof to be made available for the use of every member.

65. (1) A member who has moved a resolution or an amendment to a resolution shall not withdraw the same, except by leave of the Council. Withdrawal of resolutions.

(2) No discussion shall be permitted on a motion for leave to withdraw, except with the permission of the President.

66. (1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed. Order of amendments.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

67. When any resolution involving several points has been discussed, it shall be in the discretion of the President to divide the resolution, and put each or any point separately to the vote as he may think fit. Division of resolution.

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Resolutions
not discussed.

68. If a resolution which has been admitted is not discussed during the session, it shall be deemed to have been withdrawn.

Effect of
motion and
disallowance.

69. (1) When a resolution has been moved, no resolution or amendment raising substantially the same question shall be moved within one year.

(2) When a resolution has been disallowed under the rules or these standing orders, or has been withdrawn with the leave of the Council, no resolution raising substantially the same question shall be moved during the same session.

XI.—*The Budget.*

Discussion
of Budget.

70. (1) There shall be no discussion of the Budget on the day on which it is presented to the Council.

(2) On a day to be appointed by the Governor General subsequent to the day on which the Budget is presented, and for such time as the Governor General may allot for this purpose, the Council shall be at liberty to discuss the Budget as a whole or any question of principle involved therein, but no motion shall be moved nor shall the Budget be submitted to the vote of the Council.

(3) The Finance Member shall have a general right of reply at the end of the discussion.

(4) The President may, if he thinks fit, prescribe a time-limit for speeches.

Procedure
when Budget
presented in
parts.

70A. When the Budget is presented to the Council in two or more parts, each part shall be dealt with in accordance with Standing Order 70 as if it were the Budget :

Provided that the Governor General may appoint any Member of his Executive Council or any member of the Council to exercise the general right of reply referred to in the said standing order.

XII.—*Communications between the Governor General and the Council and Report of Proceedings of the Council.*

Communica-
tions to the
Governor
General.

71. Communications from the Council to the Governor General shall be made—

(1) by formal address, after motion made and carried in the Council ; and

(2) through the President.

72. The Secretary shall cause to be prepared a full ^{Report of} report of the proceedings of the Council at each of its ^{Proceedings.} meetings, and shall, as soon as practicable, publish it in such form and manner as the President may, from time to time, direct.

XIII.—*Petitions relating to pending Bills.*

73. Petitions relating to a Bill pending in the Chamber ^{Petitions} may be presented or submitted in accordance with the ^{relating to} standing orders. ^{pending Bills.}

74. Any such petition may either be presented by a ^{Presentation} member, or be forwarded to the Secretary, in which latter ^{of petitions.} case the facts shall be reported by him to the Chamber.

75. A member presenting a petition shall confine him- ^{Form of} self to a statement in the following form :— ^{presentation.}

“ I present a petition signed by _____
petitioners regarding _____
Bill now pending in this Chamber ”,

and no debate shall be permitted on this statement.

76. At the commencement of each session the President ^{Nomination} shall nominate a Chairman and four members to constitute ^{of Committee} the Committee on Petitions, and, if he thinks fit, shall fill ^{on Petitions.} up any vacancies occurring on the Committee during the session.

77. Every petition shall, after presentation by a ^{Reference to} member or report by the Secretary, as the case may be, ^{Committee.} be referred to the Committee, and the Chamber shall not be considered to be seized of the petition till the Committee has reported thereon.

78. The Committee shall examine every petition refer- ^{Examination} red to it, and shall report to the Chamber stating the sub- ^{and report by} ject-matter of the petition, the number of persons by whom ^{Committee.} it is signed, and whether it is in conformity with the standing orders. If the petition complies with the standing orders, the Committee may, in its discretion, direct that it be circulated as a paper to the Bill to which it relates. Such circulation shall be of the petition *in extenso* or of a summary thereof as the Committee may direct. The Committee shall in its report state whether circulation has or has not been directed.

Printing,
counter-
signature and
language of
petitions.

79. Every petition shall—

- (i) either be in English and in print or, if not in English, be accompanied by an accurate English translation in print ;
- (ii) if presented by a member, be countersigned by him ; and
- (iii) be couched in respectful and temperate language.

Authentica-
tion of
signatories
to petitions.

80. The full name and address of every signatory to a petition shall be set out therein and shall be authenticated by the signatory, if literate, by his signature, and, if illiterate, by his thumb impression.

Petitions to
whom to be
addressed
and how to
be concluded.

81. Every petition shall be addressed to the Council of State, and shall conclude with a definite prayer in regard to the Bill to which it relates.

General form
of petitions.

82. The general form of petitions set out in Schedule II, with such variations as the circumstances of each case require, may be used and, if used, shall be sufficient.

SCHEDULE I.

[See *Standing Order 6 (2).*]

BALLOT PROCEDURE FOR DETERMINING RELATIVE PRECEDENCE OF NON-OFFICIAL BILLS AND RESOLUTIONS.

1. For the first two days of the session, whether the Council actually meets or not, there will be kept in the Council office under the control of the Secretary a numbered list. On this list and during those days and at hours when the office is open, any member who wishes in the current session to give notice or has given notice of a Bill or resolution may have his name entered once only on the list against a number.

2. On the third day a ballot will be held in the Committee room before the Secretary at which any member who wishes to attend may do so.

3. Papers with numbers corresponding to those against which entries have been made on the numbered list will be placed in a box.

4. A clerk will take out at hazard from the box one of the papers, and the Secretary will call out from the list the corresponding name, which will then be entered on a priority list. This procedure will be carried out till all the numbers have been drawn.

5. Priority on the list will entitle the member to have set down in the order of his priority either a Bill or a resolution but not both, of which he has either given notice or of which he may give notice on the day after the ballot, on any day in the month in which the session commences available for the disposal of non-official business after the necessary notice for the Bill or the resolution, as the case may be, has expired.

6. A member may select, subject to the priorities of the list, any day allotted for the disposal of non-official business. But he or some other member authorised by him must state there and then at the time of the ballot the Bill or resolution that he wishes to have set down and the date on which he wishes it set down and, if he has not already given notice must do so on the day next following or he will lose all priority.

7. To determine the priority of non-official business during the remainder of the session, ballots shall be held for such days and on such occasions as the President may, from time to time, appoint, and due notice shall be given to members of any proposed ballot. Subsequent ballots shall be taken in accordance with the procedure herebefore set out.

SCHEDULE II.

[See Standing Order 82.]

FORM OF PETITION RELATING TO PENDING BILLS.

TO THE COUNCIL OF STATE.

WHEREAS a Bill entitled a Bill

(Here insert
title of Bill.)

is now under the consideration of the Council of State,
the humble petition of

(Here insert
name and
designation
or description
of petitioner
in concise
form.
" Ram Lal
and others "
or " the
inhabitants
of _____ "
or " the
municipality
of _____ ",
etc.)

sheweth

(Here insert
concise
statement
of case.)

and accordingly your petitioner prays that

(Here insert
" that the
Bill be or be
not pro-
ceeded
with ", or
" that special
provision be
made in the
Bill to meet
the case of
your peti-
tioner ", or
any other
appropriate
prayer
regarding
the Bill.)

and your petitioner as in duty bound will ever pray.

Signature of petitioner.

Countersignature of member presenting

Standing Orders with corresponding paragraphs in the Manual.

Standing Order.	Paragraph in Manual.	Standing Order.	Paragraph in Manual.
1	..	21	41
2	15 (2)	22	42
3	3	23	43
4 (1)	24	24	46
(2)	87	25	47
5	16	26	48
6	19	27	49
7	20	28	52
8	21	29 (1)	53 (1)
9	22	(2)	(3)
		(3)	(4)
10	23	30	54
11	25	31	55
12	26	32	56
13	30	33	57
14	31	34	62
15	32	35	63
16	33	36	70
17	34	37	72
18	35	38	73
19	37	39	75
20	40	39A	76

Standing Order.	Paragraph in Manual.	Standing Order.	Paragraph in Manual.
40	77	62	125
41	78	63	126
42	79	64	127
43	80	65	128
44	81	66	129
45	82	67	130
46	83	68	131
47	84	69	132
48	85	70	136
49	86	70A	137
50	89	71	139
51	112	72	140
52	90 (2)	73	141
53	114	74	142
54	115	75	143
55	116	76	144
56	117	77	145
57	118	78	146
58	121	79	147
59	122	80	148
60	123	81	149
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